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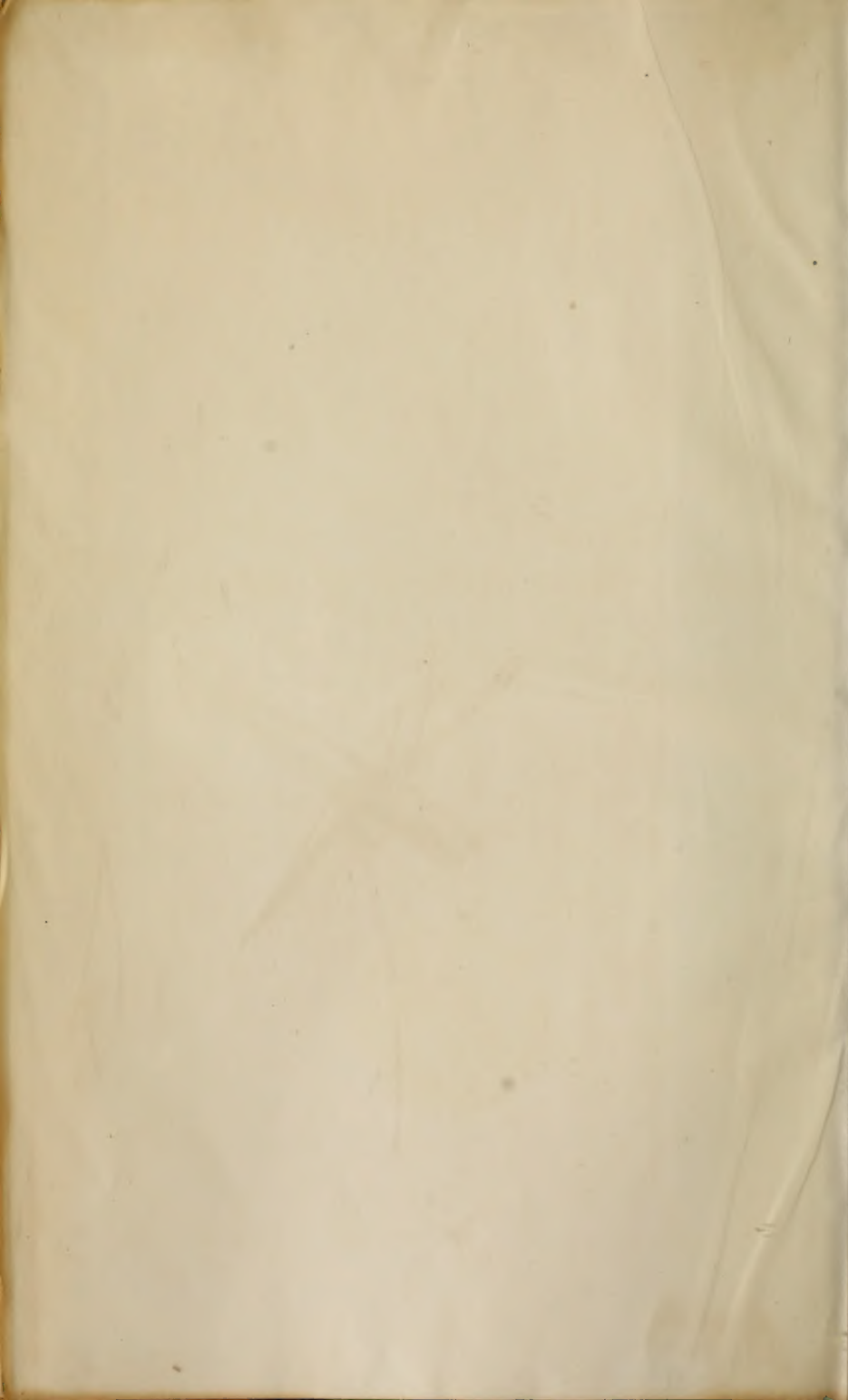
JOURNAL OF THE SENATE

SEVENTY-FOURTH SESSION

LEGISLATURE OF THE STATE OF CALIFORNIA

1901.





THE
JOURNAL OF THE SENATE

DURING THE
THIRTY-FOURTH SESSION

OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA,

1901.

BEGAN ON MONDAY, JANUARY SEVENTH, AND ENDED ON SATURDAY, MARCH
SIXTEENTH, NINETEEN HUNDRED AND ONE.



SACRAMENTO:

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OF THE STATE OF CALIFORNIA

FOR THE YEAR 1881

1881



WILLIAM H. HARRIS

1881

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CALIFORNIA LEGISLATURE—SENATE.

THIRTY-FOURTH SESSION.

IN SENATE.

SENATE CHAMBER,

Monday, January 7, 1901. }

The hour of twelve o'clock M. having arrived, Hon. Jacob H. Neff, Lieutenant-Governor and President of the Senate, called the Senators and Senators-elect to order, and announced that the thirty-fourth session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the thirty-third session of the Legislature were in their respective places in the Senate Chamber, as required by Section 237 of the Political Code: Frank J. Brandon, Secretary; E. F. Mitchell, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms, and thereupon directed the Secretary to read the following from the Secretary of State:

CERTIFICATE OF SECRETARY OF STATE.

STATE OF CALIFORNIA,

DEPARTMENT OF STATE.

I, C. F. Curry, Secretary of State of the State of California, do hereby certify the annexed to be a full, true and correct list of hold-over Senators, together with those duly elected at the general election, held on the sixth day of November, A. D. 1900, to represent the people of the State of California at the thirty-fourth session of the Legislature of the said State of California.

Witness my hand and the Great Seal of State of the State of California, at office in Sacramento, this 7th day of January, A. D. 1901.

[SEAL]

C. F. CURRY, Secretary of State.

NAMES OF SENATORS.

The following list of names are those annexed to above certificate:

HOLD-OVER SENATORS.

Second District—Lassen, Modoc, Shasta, Siskiyou, and Trinity: James T. Laird.

Fourth District—Butte and Tehama: W. F. Maggard.

Sixth District—Sutter, Yolo, and Yuba: W. M. Cutter.

Eighth District—Colusa, Glenn, and Mendocino: J. W. Goad.

Tenth District—Sonoma: J. C. Sims.

Twelfth District—Mariposa, Merced, Stanislaus, and Tuolumne: J. B. Curtin.

Fourteenth District—Alpine, Amador, Calaveras, and Mono: John F. Davis.

Sixteenth District—Fresno and Madera: Chester Rowell.

Eighteenth District—San Francisco: John A. Hoey.

Twentieth District—San Francisco: F. W. Burnett.

Twenty-second District—San Francisco: Sig. Bettman.

Twenty-fourth District—San Francisco: R. Porter Ashe.

Twenty-sixth District—Alameda: Frank W. Leavitt.

Twenty-eighth District—Alameda: E. K. Taylor.

Thirtieth District—Santa Clara: Charles M. Shortridge.
Thirty-second District—Inyo, Kings, and Tulare: H. L. Pace.
Thirty-fourth District—Kern and San Luis Obispo: S. C. Smith.
Thirty-sixth District—Los Angeles: C. M. Simpson.
Thirty-eighth District—Los Angeles: A. T. Currier.
Fortieth District—San Diego: A. E. Nutt.

SENATORS-ELECT.

First District—Del Norte and Humboldt: T. H. Selvage.
Third District—Plumas, Sierra, and Nevada: John R. Tyrrell.
Fifth District—El Dorado and Placer: W. B. Lardner.
Seventh District—Lake and Napa: Robert Corlett.
Ninth District—Solano: J. J. Luchsinger.
Eleventh District—Contra Costa and Marin: C. M. Belshaw.
Thirteenth District—Sacramento: Robt. T. Devlin.
Fifteenth District—San Joaquin: A. E. Muentner.
Seventeenth District—San Francisco: J. M. Plunkett.
Nineteenth District—San Francisco: R. J. Welch.
Twenty-first District—San Francisco: Edward I. Wolfe.
Twenty-third District—San Francisco: John G. Tyrrell.
Twenty-fifth District—San Francisco: J. H. Nelson.
Twenty-seventh District—Alameda: G. R. Lukens.
Twenty-ninth District—San Mateo and Santa Cruz: J. D. Byrnes.
Thirty-first District—Santa Clara: Louis Oneal.
Thirty-third District—San Benito and Monterey: Thomas Flint, Jr.
Thirty-fifth District—Santa Barbara and Ventura: C. B. Greenwell.
Thirty-seventh District—Los Angeles: Fred M. Smith.
Thirty-ninth District—San Bernardino, Orange, and Riverside: A. A. Caldwell.

Certificate and list of names read and ordered on file.

The President directed the Secretary to call the roll of the twenty hold-over Senators, members from the even-numbered districts.

ROLL CALL OF HOLD-OVER SENATORS.

The Secretary called the roll, and the following answered to their names:

Senators Ashe, Bettman, Burnett, Currier, Cutter, Davis, Goad, Hoey, Laird, Leavitt, Maggard, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith of Kern, and Taylor—19.

The President thereupon announced that the roll call disclosed nineteen hold-over Senators present and one, Senator Curtin, absent.

The President directed the Secretary to call the roll of the twenty Senators-elect, members from the odd numbered districts.

ROLL CALL OF SENATORS-ELECT.

The Secretary called the roll, and the following answered to their names:

Senators-elect Belshaw, Byrnes, Caldwell, Corlett, Devlin, Flint, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Selvage, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—20.

The President thereupon announced that the roll call disclosed twenty, the full number of Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE.

The members-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and sub-

scribed to the following oath of office, administered by the Hon. J. W. Hughes, Superior Judge of the County of Sacramento, State of California:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

The President announced the qualification of all the Senators, and the Senators having assumed their seats, declared that a quorum of all the Senators was present.

PRAYER.

The thirty-fourth session of the Senate was opened by prayer by the Rev. C. L. Miel, Chaplain of the Senate during the thirty-second session of the Legislature.

APPOINTMENTS BY SECRETARY.

The Secretary of the Senate, by virtue of the authority vested in him by Section 237 of the Political Code, announced that he made the following appointments of attachés for the temporary organization of the Senate:

Postmistress—Miss L. M. Luchsinger.

Gatekeepers—George Byron, Benj. Gray, and J. Fraser.

Pages—Donn Shields, Monroe Gilman, and Esmond Smith.

APPOINTMENT OF ASSISTANT SERGEANT-AT-ARMS.

By order of the President, the following was read by the Secretary:

SENATE CHAMBER, SACRAMENTO, January 7, 1901.

To the Senate of California:

I have this day appointed as Assistant Sergeant-at-Arms for temporary organization Jos. J. G. McCall, as provided for by Section 237, Political Code.

Respectfully,

J. LOUIS MARTIN,
Sergeant-at-Arms.

Ordered on file.

The President put the question, "What is the pleasure of the Senate?"

RESOLUTION.

Whereupon Senator Cutter offered and moved the adoption of the following resolution:

Resolved, That the Senate do now proceed to the election of the following statutory officers, in the order named:

President pro tem.

Secretary.

Sergeant-at-Arms.

Chaplain.

Resolution read and adopted.

The President thereupon declared nominations for the office of President pro tem of the Senate in order.

NOMINATION FOR AND ELECTION OF PRESIDENT PRO TEM. OF THE SENATE.

Senator Leavitt, in an eulogistic speech, placed in nomination for the office of President pro tem. of the Senate the Hon. Thomas Flint, Jr., State Senator from the Thirty-third District.

The President put the question, "Are there any other nominations for President pro tem. of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Senator Flint—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Salvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—38.

Whereupon the President declared Senator Flint duly and unanimously elected President pro tem. of the Senate for the thirty-fourth session of the Legislature.

The President declared nominations for Secretary of the Senate in order.

NOMINATION FOR AND ELECTION OF SECRETARY OF THE SENATE.

Senator Shortridge placed the name of Frank J. Brandon of San José in nomination for Secretary of the Senate.

Senator Simpson seconded the nomination of Frank J. Brandon.

The President put the question, "Are there any other nominations for the office of Secretary of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Brandon—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Salvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—39.

Whereupon the President declared Frank J. Brandon duly and unanimously elected Secretary of the Senate.

NOMINATION FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President announced nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Davis placed the name of J. Louis Martin of Oakland in nomination for Sergeant-at-Arms of the Senate.

The President put the question, "Are there any other nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Martin—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Salvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—39.

Whereupon the President declared J. Louis Martin duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATION FOR AND ELECTION OF CHAPLAIN.

The President announced nominations for the office of Chaplain of the Senate in order.

Senator Muentner placed the name of the Rev. W. C. Evans of Stockton in nomination for Chaplain of the Senate.

The President put the question, "Are there any other nominations for the office of Chaplain of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Evans--Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe--39.

Whereupon the President declared the Rev. W. C. Evans duly and unanimously elected Chaplain of the Senate.

OATH OF OFFICE.

By direction of the President, the officers just elected proceeded to the bar of the Senate and there took and subscribed to the following oath of office, administered by the President of the Senate:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have recently been elected according to the best of my ability.

RESOLUTION.

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That the standing rules of the Senate at the thirty-third session be and they are hereby adopted as the temporary rules of the Senate, except that Rule 1 be amended to read:

RULE 1.

The sessions of the Senate shall be daily (Sundays excepted), beginning at eleven o'clock A. M., unless otherwise ordered by vote of the Senate.

And further excepting that Rule 35 be amended to read:

RULE 35.

The following standing committee shall be appointed by the President of the Senate:
1. Rules and Revision—three members.

Resolution read and adopted.

TEMPORARY RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at eleven o'clock A. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order—Reading Journal.*

The President shall call the Senate to order at the hour stated, and, if a quorum be present, the journal of the proceedings of the preceding day shall be read, unless otherwise ordered by vote of the Senate.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal of the Preceding Day.
4. Presentation of Petitions.
5. Motions, Resolutions, and Notices.
6. Reports of Standing Committees.
7. Reports of Select Committees.
8. Messages from the Assembly.
9. Introduction and First Reading of Bills.
10. Consideration of Daily File.
11. Unfinished Business.
12. Special Orders of the Day.

13. Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

5. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.

2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employes of the Senate, other than the President of the Senate. To certify to, and transmit to the Assembly, all bills, resolutions, and other papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the Assistant Secretaries, and other officers, the duties pertaining to their offices.

6. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

7. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

8. *Senators Must Address the President.*

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken shall desire to do so.

9. *The Senators Entitled to Floor.*

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

10. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which such bill is referred, and the balance shall be distributed according to law.

11. *Number of Copies to Be Printed.*

Five hundred copies shall be printed of each document or other matter ordered unless the Senate specially direct a different number.

12. *Executive Session.*

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

13. *Printing the Daily Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

14. *Committees—When to Report.*

All committees of the Senate shall report their action on all bills referred to them before January 25th within ten days, except that all bills referred to them on and after January 25th shall be reported within five days, unless otherwise specially ordered, and when such extension of time is ordered the Senate shall state the length of time, and the Secretary shall make record of the same in a book kept for that purpose.

15. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate by reason of the absence of the author.

16. *Standing Committees, Quorum of—What Constitutes.*

The standing committees shall determine the number of such committees which shall constitute a quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

17. *Author to Speak Last.*

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

18. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

19. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

20. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

21. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary.

The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business under a specially prepared written order, to be known as a "Rush Order."

22. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered on the Journal.

23. No Records or Papers to be Taken from Desk.

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper, to be printed, to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Enrolled and Engrossed Bills, and take their receipt therefor.

24. Appointment of Committees.

All standing committees of the Senate shall be named by the President of the Senate, unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

25. Assembly Bills to be Read First Time.

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

26. Oaths and Affirmations.

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator in open Senate, before entering upon his duties.

27. Resolutions.

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

28. Special Orders.

Any subject may, by a vote of two-thirds of the members present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day; and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

29. Voting.

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

30. Reconsideration.

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

31. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

32. Secretary, upon Notice of Reconsideration, Not to Report Bill to Assembly.

If a Senator give notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been ordered transmitted to the Assembly.

33. Motion to Reconsider May Be Debated.

A Senator, after a notice of motion to reconsider is given, as provided in Rule 31, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

34. Reference of Bills to Finance Committee.

All bills or resolutions appropriating money from any fund within the control of the State, shall be referred to the Committee on Finance before being read the second time.

35. *Standing Committee.*

The following standing committee shall be appointed by the President of the Senate :
1. Rules and Revision ; three members.

36. *Amendments to Original Question.*

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided ; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert ; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

37. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

38. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

39. *Amendments and Substitutes.*

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment ; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

40. *Amendments and Substitutes Must Be Germane.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

41. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

42. *Short of Final Question, Two-Thirds Vote Not Requisite on Propositions to Amend Constitution.*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

43. *Leave of Absence.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

44. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

45. *Order of Privileged Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order :

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely

46. *Motion Not to be Debated until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President ; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

47. *Senator When Called to Order Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not ; and every question of order

shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

48. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read the third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

49. *Ayes and Noes—Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

50. *Introduction and Reading of Bills.*

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

51. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

52. *Titles of Bills Must Be in Journal.*

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

53. *When Not in Committee of the Whole, Proceedings Must Be Entered in Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

54. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

55. *Cases Not Provided for, Cushing to Govern.*

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

56. *Suspending and Changing Rules.*

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule 52 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules without debate.

57. *Powers and Prerogatives of President.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

58. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

59. *President May Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

60. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

61. *Messengers—When Introduced.*

Messengers are introduced in any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President, or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

63. *Executive Communications and Nominations.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications and Nominations, unless otherwise ordered by the Senate, which motion shall be determined without debate.

64. *Printed Bills, Etc., Must Be Placed on Desks.*

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

65. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

APPOINTMENT OF STANDING COMMITTEE.

The President, in accordance with the temporary rules of the Senate, appointed the following as members of the Committee on Rules and Revision: Senators Cutter (Chairman), Smith of Kern, and Sims.

RESOLUTION.

Senator Burnett offered the following resolution:

Resolved, That the Secretary of Senate be and he is hereby authorized and directed to purchase forty five copies each, of Henning's pocket edition of the Constitution, and James H. Deering's Codes of California, and Bancroft's edition of the General Laws, latest publications, for the use of the Lieutenant Governor, Senators, and Secretary of the Senate. The Controller is hereby directed to draw his warrant for same in favor of the Secretary of the Senate, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and placed on file, to be referred to the Committee on Contingent Expenses, when appointed.

RECESS.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator

Cutter, the President declared the Senate at recess until five o'clock P. M. this day.

RECONVENED.

At five o'clock P. M. the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ash, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—35.

Quorum present.

APPOINTMENT OF ASSISTANT SECRETARIES.

The Secretary read the following communication :

SENATE CHAMBER, SACRAMENTO, January 7, 1901.

To the Senate of the State of California:

GENTLEMEN: I hereby appoint as Assistant Secretaries of the Senate for the thirty-fourth session of the California Legislature Fred L. Thomas, I. S. Logan, and F. C. Michaelis, and respectfully request your consent to same.

F. J. BRANDON, Secretary of the Senate.

The question was then put, "Will the Senate consent to the appointment of the persons nominated by the Secretary of the Senate for his assistants?"

The roll was called, with the following result :

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—33.

NOES—None.

Whereupon the President declared the appointment of Messrs. Fred L. Thomas, I. S. Logan, and F. C. Michaelis as Assistant Secretaries of the Senate duly confirmed.

APPOINTMENTS BY SERGEANT-AT-ARMS.

The following communication was read by the Secretary:

SENATE CHAMBER, SACRAMENTO, January 7, 1901.

To the Honorable the Senate of the State of California:

GENTLEMEN: I beg to announce that I have appointed L. M. Bettman Assistant Sergeant-at-Arms, and C. E. Williams Bookkeeper to the Sergeant-at-Arms of the Senate, and respectfully ask your consent to the same.

J. L. MARTIN,
Sergeant-at-Arms of the Senate.

The question was then put, "Will the Senate consent to the appointment of the persons nominated by the Sergeant-at-Arms of the Senate as his assistant, and bookkeeper?"

The roll was called, with the following result:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—33.

NOES—None.

Whereupon the President declared the appointment of Messrs. L. M. Bettman Assistant Sergeant-at-Arms, and C. E. Williams Bookkeeper to the Sergeant-at-Arms, of the Senate, duly confirmed.

OATH OF OFFICE.

The officers appointed by the Secretary and Sergeant-at-Arms of the Senate came to the bar of the Senate, took and subscribed to the oath of office, administered as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of [here his or her office named] according to the best of my ability.

ELECTION OF OFFICERS OF THE SENATE—RESOLUTIONS.

Senator Cutter offered the following resolution, and moved its adoption:

Resolved, That the following be elected to fill the statutory offices of the Senate for the thirty-fourth session set opposite their respective names:

Minute Clerk—E. F. Mitchell.
Assistant Minute Clerk—D. G. Holt.
Assistant Minute Clerk—John Carew.
Assistant Minute Clerk—George W. Donahue.
Assistant at Desk—L. E. W. Pioda.
Assistant Sergeant-at-Arms to Finance Committee—H. L. Hanifin.
Assistant Sergeant-at-Arms to Judiciary Committee—Jno. J. Sullivan.
Assistant Sergeant-at-Arms (to be assigned)—J. R. Kennedy.
Journal Clerk—W. F. Mixon.
Assistant Journal Clerk—T. M. Marois.
Assistant Journal Clerk—Samuel Wacholder.
Enrolling and Engrossing Clerk—J. J. Breen.
Assistant Enrolling and Engrossing Clerk—Frank J. Barnet.
Assistant Enrolling and Engrossing Clerk—W. H. Dickerson.
Assistant Enrolling and Engrossing Clerk—Geo. B. Keane.
History Clerk—Emmett Phillips.
Assistant History Clerk—Geo. M. Trowbridge.
Bill Filer—R. B. Goodcell.
Bill Filer—Chas. C. Metcalf.
Bill Filer—Charles A. Tuttle.
Bill Clerk—George Eastin.
Bill Clerk—John Lawless.
Bill Clerk—Wilbur Lanktree.
Bill Clerk—Joseph F. Villar.
Postmistress—Miss L. M. Luchsinger.
Assistant Postmistress—Miss C. Ayres.
Mail Carrier—J. E. Atkinson.
Mail Carrier—Thomas Mulvaney.
Gatekeeper—John Falkenstein.
Gatekeeper—J. H. Blodgett.
Gatekeeper—N. B. Rine.
Doorkeeper—Louis Ortega.
Gallery Keeper—A. L. Tilton.
Messenger to State Printer—Jas. K. Vall.
Messenger to State Printer—Joseph Sampson.
Cloakroom Clerk—Jas. Bishop.
Stenographer—G. B. Snyder.
Stenographer—Kitty Curley.
Stenographer—J. Spencer Riley.
Watchman—E. H. Bailey.
Watchman—Richard Parker.
Watchman—H. Marks.
Press Mailing Clerk—J. M. Williamson.
Press Mailing Clerk—Ella M. Maloney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Simpson,

Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected to the office of the Senate set opposite his or her name, respectively.

Senator Sims offered the following resolution:

Resolved, That George J. Cleary be elected stenographer for the Democratic minority of the Senate during the present session at a compensation of \$5 per day, payable out of the Contingent Fund of the Senate.

Resolution read.

On motion of Senator Sims, the rules were suspended.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—Senators Belshaw, Caldwell, Davis, Rowell, Smith of Kern, and Smith of Los Angeles—6.

Whereupon the President declared George J. Cleary duly elected a stenographer of the Senate.

Senator Shortridge offered the following resolution, and moved its adoption:

Resolved, That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed Senators Shortridge, Sims, and Maggard to call upon the Governor and notify him of the organization of the Senate, and its readiness to receive his communications.

RESOLUTION.

Senator Davis offered the following resolution, and moved its adoption:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tem.—Thomas Flint, Jr.

Secretary.—Frank J. Brandon.

Sergeant at Arms.—J. Louis Martin.

Chaplain.—Rev. W. C. Evans.

Resolution read and adopted.

REPORT OF SPECIAL COMMITTEE.

Senator Shortridge, chairman of the special committee, reported that it had communicated with the Governor as directed, and that His Excellency had notified the committee that he would communicate with the Senate upon to-morrow.

The committee was thereupon discharged.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced:

By Senator Selvage: Senate Concurrent Resolution No. 1—Relative to extending to the President of the United States and other distinguished citizens an invitation to visit this State for the purpose of witnessing the launching of the battleship Ohio.

Senator Selvage moved the suspension of the rules for the purpose of immediately considering Senate Concurrent Resolution No. 1.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—39.

NOES—None.

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That whereas, the battleship "Ohio" will be launched at the Union Iron Works, San Francisco, California, on the eighteenth day of May, 1901; and

WHEREAS, The occasion will be a memorable one, in which all citizens of the United States, and particularly those of California and the State of Ohio will be interested; and

WHEREAS, The President of the United States, the Honorable William McKinley, is a native of the State after which this battleship (a production of California labor and energy) is named; therefore, be it

Resolved, That the people of the State of California, through its Legislature, extend to the Honorable William McKinley, President of the United States, a cordial invitation to visit California on that occasion.

It is further resolved, That an invitation be also extended to the Honorable Theodore Roosevelt, Vice-President-elect, to the Cabinet officers of the United States, the Congressional delegation of the State of Ohio, and Governor Nash and the State officers of the State of Ohio, and the Senators and Representatives in Congress.

Be it further resolved, That the Secretary of the Senate be instructed to transmit a copy of these resolutions to the President, Vice-President, Members of the Cabinet, Congressional Delegation from Ohio, the Governor of Ohio, officers of the State of Ohio, and to the United States Senate and House of Representatives.

Resolution read.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Lukens, Muentner, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—32.

NOES—None.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Concurrent Resolution No. 1 was this day adopted.

ADJOURNMENT.

At five o'clock and fifty-five minutes P. M., on motion of Senator Shortridge, the Senate adjourned until two o'clock P. M. of Tuesday, January 8, 1901.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 8, 1901. }

Pursuant to adjournment, the Senate met at two o'clock p. m.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Monday, January 7, 1901, was read.

REPORT OF COMMITTEE ON RULES AND REVISION.

The following report of Committee on Rules and Revision was received and read:

SENATE CHAMBER, SACRAMENTO, January 8, 1901.

MR. PRESIDENT: Your Committee on Rules and Revision beg leave to report the following amendment to Rule 35.

That Rule 35 be amended to read:

RULE 35. The following standing committees shall be appointed by the President of the Senate:

1. Agriculture; seven members.
2. Apportionment; thirteen members.
3. Banking; five members.
4. Code Revision; seven members.
5. Commerce; five members.
6. Contingent Expenses; three members.
7. Corporations; thirteen members.
8. Constitutional Amendments; seven members.
9. County Governments; seven members.
10. Drainage; five members.
11. Elections; nine members.
12. Education; seven members.
13. Enrolled and Engrossed Bills; three members.
14. Executive Communications; three members.
15. Federal Relations; three members.
16. Finance; thirteen members.
17. Fish and Game; five members.
18. Food Adulteration; three members.
19. Forestry and Water Storage; nine members.
20. Health; five members.
21. Highways; seven members.
22. Hospitals; five members.
23. Irrigation; five members.
24. Judiciary; nineteen members.
25. Labor and Capital; three members.
26. Manufactures; three members.
27. Military Affairs; five members.
28. Mining; five members.
29. Municipal Corporations; seven members.
30. Printing; three members.
31. Prisons; seven members.

32. Reformatories; five members.

33. Revenue and Taxation; five members.

34. Rules; three members.

To save unnecessary work at the desk, the titles of committees have been abbreviated as much as possible—the intention being that the Committee on Education should, in addition to such bills as would naturally be within its province, have charge of measures relating to school buildings; the Committee on Hospitals, of those relating to hospital buildings; and the Committee on Prisons, of those relating to prison buildings.

All of which is respectfully submitted.

W. M. CUTTER, Chairman.

S. C. SMITH.

JAMES C. SIMS.

Report of committee adopted.

INTRODUCTION OF JOINT RESOLUTIONS.

The following joint resolutions were introduced:

By Senator Caldwell: Senate Joint Resolution No. 1—Relative to the prevention of the orange fruit maggot.

Senator Caldwell moved that the rules be suspended for the purpose of immediately considering Senate Joint Resolution No. 1.

The question being on the suspension of the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

NOES—None.

SENATE JOINT RESOLUTION No. 1.

WHEREAS, The quarantine which this State has maintained against the introduction of insect pests and plant diseases has been of immeasurable benefit to our horticultural and agricultural interests; and

WHEREAS, There is now before Congress a bill which was introduced by Hon. Mr. Wadsworth, and is entitled "H. R. Bill No. 96," and which bill provides for a national quarantine against such pests and plant diseases; and

WHEREAS, The operation of this bill would be very beneficial to the horticultural interests, and especially to the citrus fruit industry; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That we respectfully, but urgently, request the Congress of the United States to enact said bill, "H. R. No. 96," at its present session, thereby securing to our horticultural interests immunity from further insect enemies, and to the citrus fruit growers freedom from the introduction of the orange fruit maggot.

Resolved, That the Secretary of the Senate be directed to immediately telegraph these resolutions to the Honorable President of the Senate and the Honorable Speaker of the House of Representatives of the United States.

Resolution read.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, O'neal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

NOES—None.

Joint resolution ordered printed and transmitted to the Assembly.

By Senator Cutter: Senate Joint Resolution No. 2—Relative to requesting the President of the United States to direct that Dr. J. J. Kinyoun, United States Quarantine Officer for San Francisco, be relieved from further service on the Pacific Coast.

Referred to Committee on Federal Relations.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Wolfe, his motion to reconsider the vote whereby Senate Concurrent Resolution No. 1—Relative to extending to the President of the United States and other distinguished citizens an invitation to visit this State for the purpose of witnessing the launching of the battleship Ohio—was on a previous day adopted, was postponed until next legislative day.

At two o'clock and twenty-four minutes p. m., Hon. Thomas Flint, Jr., State Senator from the Thirty-third District and President pro tem. of the Senate, in the chair.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That the following be elected to the Senate offices set opposite their respective names, at the per diem named, payable out of the Contingent Fund of the Senate:

Bill Filer	John Newford	\$4 00
Bill Filer	James Nolan	4 00
Bill Filer	L. Kirschbaum	4 00
Bill Filer	Eugene Lynch	4 00
Assistant History Clerk	Percival R. Milnes	5 00
Assistant Index Clerk	Miss Villa Thompson	4 00
Assistant Postmistress	M. P. Hughes	4 00
Assistant Postmistress	Miss C. Johnson	4 00
Assistant File Clerk	P. J. Gray	4 00
Assistant Sergeant-at-Arms	Thomas F. Yore	5 00
Assistant Bookkeeper to Sergeant-at-Arms	W. N. Ent	5 00
Watchman	E. A. Tibbits	3 00
Watchman	P. H. Hurley	3 00
Document Clerk	J. J. McHugh	4 00
Assistant Clerk, Judiciary Committee	William Archibald	5 00
Cloakroom Clerk	Bert Sheldon	4 00
Assistant Mailing Clerk	J. Gallagher	4 00
Sergeant-at-Arms, Finance Committee	Robert Sullivan	5 00
Watchman	Lewis W. Hoin	3 00
Gatekeeper	William Jennings	3 00
Porter	Arthur Lee	3 00
Assistant Sergeant-at-Arms	J. C. Tittel	5 00
Assistant Sergeant-at-Arms	Jas. P. Tryce	5 00
Assistant Sergeant-at-Arms	Thomas Sullivan	4 00
Assistant Sergeant-at-Arms	Wm. I. Burns	5 00
Assistant Sergeant-at-Arms	T. S. Frowley	5 00
Bill Clerk	L. Scharetg	4 00
Bill Clerk	Thomas Rea	4 00
Doorkeeper	W. H. Riggan	3 00
Doorkeeper	A. D. Burnett	3 00
Messenger to State Printer	Eugene Warren	3 00
Assistant Document Clerk	W. J. Eden	4 00
Bill Clerk	John J. Curry	4 00
Page	Elwood Feeney	2 50
Page	Ralph Schluer	2 50
Page	Willie Lardner	2 50
Assistant File Clerk	Romer K. Ritchie	4 00
Indexer	A. L. Fisher	5 00
Bill Filer	A. M. Martin	4 00
Messenger to Sergeant-at-Arms	R. F. Sepulveda	3 00
Messenger to Secretary	Donn J. Shields	3 00

Resolution read.

Senator Cutter moved its adoption.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Selvaige, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

NOES—None.

By Senator Cutter:

Resolved, That Miss Ethel D. Thomas be elected to the statutory office of Stenographer for the present session of the Senate.

Resolution read.

Senator Cutter moved its adoption.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Goad, Hoey, Luchsinger, Maggard, Muentner, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—26.

NOES—Senator Laird—1.

By Senator Devlin :

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase the necessary number of bill and journal files for the use of the Senate.

Resolution read, and referred to Committee on Contingent Expenses, when appointed.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Senator Leavitt, the Senate adjourned until two o'clock P. M. Wednesday, January 9, 1901.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 9, 1901. }

Pursuant to adjournment, the Senate met at two o'clock P. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Tuesday, January 8, 1901, was read.

RESOLUTIONS.

The following resolutions were offered:

By Senator Davis:

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent the necessary number of typewriting machines for the use of the stenographers of the

Senate, and the Controller of State is hereby authorized to draw his warrants for the amount of the rental, and the Treasurer is directed to pay the same—the same payable out of the Contingent Fund of the Senate.

Resolution read and adopted.

By Senator Luchsinger:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant for fifteen dollars (\$15.00), in favor of the Secretary of the Senate, payable from the Contingent Fund of the Senate, to be used as a revolving fund for the purchase of stamps, wrappers, and envelopes at the Senate Postoffice.

Resolution read, and referred to Committee on Contingent Expenses, when appointed.

By Senator Smith of Los Angeles:

WHEREAS, It has come to the knowledge of this Senate that there has been taken from this life Dr. J. J. Nutt of San Diego, the father of Hon. A. E. Nutt, member of this Senate; therefore, be it

Resolved, That the Senate hereby express its heartfelt sympathy to the Hon. A. E. Nutt and the members of his family for their great bereavement.

Resolved, That when this Senate adjourns, it is out of respect to the memory of the deceased.

Resolution read, and by standing vote adopted.

LEAVE OF ABSENCE.

Senator Nutt was, on motion of Senator Smith of Los Angeles, granted leave of absence until Saturday, January 12, 1901.

RESOLUTIONS—(CONTINUED).

By Senator Simpson:

Resolved, That the Controller be and he is hereby directed to deliver to the Sergeant-at-Arms, or his bookkeeper, all the warrants of the members of the Senate, and the officers and attachés thereof, taking his receipt therefor.

Resolution read and adopted.

By Senator Tyrell of Nevada:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of seventy-five dollars (\$75.00), for rubber stamps, expressage, and contingent expenses, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses, when appointed.

By Senator Cutter:

Resolved, That the Lieutenant-Governor, Hon. J. H. Neff, be and he is hereby allowed twenty-five (\$25.00) for contingent expenses, as allowed to the members of the Senate, payable out of the appropriation for the contingent expense of the Senate. The Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Resolution read.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering the resolution.

The question being on the suspension of the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simp-

son, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.
NOS—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Oneal, Plunkett, Rowell, Selva, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

NOS—None.

INTRODUCTION OF JOINT RESOLUTIONS.

The following joint resolutions were introduced:

By Senator Belshaw: Senate Joint Resolution No. 3—Relative to Chinese and Japanese, and other alien pauper labor immigration into the United States.

Referred to Committee on Federal Relations.

By Senator Lukens: Senate Joint Resolution No. 4—Relative to petitioning Congress for the protection of American labor, etc., against Chinese and Japanese competition.

Referred to Committee on Federal Relations.

By Senator Wolfe: Senate Joint Resolution No. 5—Relative to Chinese and Japanese, and other alien pauper labor immigration into the United States.

Referred to Committee on Federal Relations.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Simpson, the following message from the Governor was taken up for consideration:

FIRST BIENNIAL MESSAGE OF GOVERNOR HENRY T. GAGE TO THE LEGISLATURE OF THE STATE OF CALIFORNIA.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 7, 1901. }

To the Senate and Assembly of the State of California:

GENTLEMEN: In presenting to your honorable bodies the suggestions in this first biennial message of my administration, I am most deeply moved by my sense of public duty and public responsibility.

We all have in view the public weal, but as your powers are the highest and most extensive under the Constitution, I confide in your integrity and ability that when public duty demands I may receive from your honorable bodies ready and responsive assistance.

CAREFUL EXAMINATION OF ALL BILLS BY THE LEGISLATORS A PUBLIC DUTY.

The evil of an individual, as a general rule, affects him alone, for his power of injuring the few around him can be summarily restrained; but the wrong of a bad law affects the whole community, and its poison may spread before discovery, and the injury may be irreparable, though afterward annulled by a decision of a court or repealed by an act of a future Legislature.

Hence it becomes your duty not to rely upon the Executive, with his limited assistance, for a remedy by way of veto, but you should carefully scrutinize each measure introduced, both in committee and in the house. Your familiarity with the history of bills and your opportunity of hearing discussions thereon give you an advantage, for this purpose, over the Executive. Nor should you rely exclusively upon the mere reports of committees. It often happens that the hard-worked members of committees have little or no opportunity for a thorough examination of an obnoxious measure, and only approve it through courtesy, and the house, in turn, relies upon the mere formal approval of such committee.

THE EVIL OF LEGISLATIVE BARGAINS.

My confidence in the integrity of the representatives selected by the people is such that I have never harbored a fear that any of the splendid representative bodies, of whatever party, who have met at this capital, would consciously tolerate a wrong against the people of the State.

It is, however, a significant fact that where many able and honorable men meet as legislators, having necessarily variant views as to prudence and economy in the expenditure of public money, there compromises and trades are made, resulting in unconscious extravagance through excessive appropriations.

Experience in office since my inauguration has confirmed the view which I then took with respect to legislative trading, and I beg leave to repeat the following words from my Inaugural Address:

"In the heat of legislative business, agreements have been made with fellow legislators having other measures to be passed, by which votes have been exchanged, and thereby excessive appropriations have passed both houses. On account of this system of bartering in votes, and the facility with which large appropriations have been obtained, the officers of these public institutions have become reckless and prodigal in the expenditure of public money."

I again advise against such legislative trading.

THE PEOPLE DEMAND ECONOMY.

While you are assembled, among other things, for the purpose of legislating and providing appropriations for the maintenance of the several institutions of the State, the people demand that the law-making power be exercised with circumspection and economy; hence over-legislation is an evil in this regard, as well as direct waste in the expenditure of the State's funds.

Commenting upon the subject of over-legislation, Alexander Hamilton, in one of the numbers of the "Federalist," wrote as follows:

"It poisons the blessing of liberty itself. It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?"

The wisdom of these observations of that eminent statesman will doubtlessly meet with your approval. In addition to the policy of avoidance of over-legislation, your constituents are intensely interested in the prudent management of the State's income.

The legislative power to appropriate and expend the public money is a most solemn trust. This power, when prudently exercised, gives vitality to the State; but when that power is so used as to result in extravagance and waste, thereby burdening the people with unnecessarily high taxes, such misuse of the power is the worst form of tyranny.

PRESENT NEED FOR ECONOMY—CONSTITUTIONAL AMENDMENTS.

The people at the last general election adopted Assembly Constitutional Amendment No. 6, exempting from taxation all buildings and real property upon which the same are situated used exclusively for religious worship; also Assembly Constitutional Amendment No. 23, exempting from taxation the trusts and estates created for the founding, endowment and maintenance of the Leland Stanford Junior University; and further adopted Assembly Constitutional Amendment No. 14, exempting from taxation all property now or hereafter belonging to "The California School of Mechanical Arts."

The exemption from taxation of so much property will necessarily throw the burden upon the remaining property now subject to taxation; hence the State rate of taxation will necessarily be somewhat higher, unless the strictest economy be exercised.

In order to prevent this increase in the State tax rate, I most urgently appeal to you to exercise such economy as is compatible with the necessities of each case, by preventing the passage of excessive appropriations, and of laws creating unnecessary offices, with their incidental charges against the State.

I would likewise suggest that the number of employes in your honorable bodies be reduced to a useful minimum, so that this Legislature may surpass by its economy and efficiency all previous Legislatures, not only because it is your public duty so to do, but as well for the honor which it will bring to you all as legislators, and for the credit it will afford to the party which has nominated and elected a majority of your members, upon the pledge of an economic and able administration.

APPROPRIATIONS SHOULD NOT BE MADE PAYABLE IMMEDIATELY.

I beg leave to repeat my advice, which my experience in office has confirmed, given in my Inaugural Address, where I used the following language:

"Another mistake on the part of legislators has been to make all appropriations payable immediately out of the General Fund, instead of authorizing such payments to be made, as they should be, at least six or ten months thereafter out of future revenue receipts. Such mistaken policy depletes the treasury by adding to the existing demands the amounts of such new appropriations. This is a grave financial wrong. By this improper practice the money in the General Fund, which ought only to be

expended for the payment of justly accrued demands, is diverted from its purpose, so that a transfer of money from special funds is required to make up the deficit, it being necessary afterward to reimburse such special funds from the tax receipts of the next fiscal year. This system is not only unwise, but not warranted by good governmental policy. Each fund should remain intact, to be devoted to the special purposes authorized by law. The State, as well as each department of it, should live within its actual means."

The revenues for the year 1901 will not be available until after January 1, 1902; hence all appropriations other than those necessary for the actual conduct of the State government, which are usually embraced in the general appropriation act, should be made payable out of such future revenues.

This plan, as suggested by me and adopted by the Legislature in 1899, enabled the administration to conduct the State affairs without adopting the method pursued by many of my predecessors of transferring money from special funds to meet accrued demands against the General Fund.

NECESSITY FOR THE EXCLUSION OF CHINESE AND JAPANESE LABORERS.

The people of California, from their experience in the past, and in view of their prominent seacoast position with respect to the ports of the Orient, have reason to dread the immigration of Chinese and Japanese laborers into this State, a fear justly founded and shared in by the American workmen of other States. It is essential, therefore, that American labor shall be protected against competing Mongolian labor. Our tariff laws, while protecting the products of labor, require as a supplement the exclusion of Chinese and Japanese laborers.

The party, both National and State, which has nominated the majority of your honorable bodies, is pledged to the protection of American labor, and I am satisfied that our great President is wholly in sympathy with every measure, and is determined to maintain American labor at its high standard of skill and intelligence, and to assist in the making of all treaties and the approval of laws which will protect that labor from foreign competition.

On May 5, 1892, an Act of Congress, entitled "An Act to prohibit the coming of Chinese persons into the United States," was approved, which Act was, in addition to previous Acts of Congress, intended to more effectually exclude the immigration of Chinese laborers. By the terms of this Act the law is continued in force for the term of ten years from its passage, so that Act will expire in May next year (1902).

A convention concerning the subject of emigration between the United States of America and the empire of China was concluded and signed by the respective plenipotentiaries at the City of Washington, D. C., on March 17, 1894, and ratifications exchanged at the same city on December 7, 1894, by the terms of which convention, among other things, China agreed to the exclusion from the United States of further Chinese laborers, and also assented in direct terms to the enforcement of the provisions of the Act of Congress of May 5, 1892, as amended by an Act approved November 3, 1893.

By Article VI. of this convention it is provided as follows: "This convention shall remain in force for a period of ten years, beginning with the date of the exchange of ratifications, and if six months before the expiration of said period of ten years neither government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years."

It will be perceived from the above language of Article VI that the convention is terminable by either of the nations, provided six months' notice be given before the expiration of ten years, so that in December, 1904, there is a possibility of this convention being terminated by the action of China. But there is another feature of the convention which may require action on the part of the United States before the expiration of the period limited which might require a revision of its terms.

Article I of the said convention reads as follows: "The High Contracting Parties agree that for a period of ten years, beginning with the date of the exchange of ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited."

Since December 7, 1894, the date of the exchange of ratifications, we have acquired additional territory, both by annexation and war. Questions of the rights and privileges of subjects of China, while in the Philippines and the other islands acquired from Spain, may arise, and contentions by the Chinese diplomats are possible that inasmuch as the contracting parties had not in view future territory conquered or acquired by the United States of America, but only the United States as then bounded and known, and that when the United States assumed the sovereignty which Spain abdicated in its favor, this republic took that territory subject to the obligations which Spain owed to the Empire of China. Whether this possible plea be specious or not, it at least might pave the way for international discussion. To avoid all questions, therefore, Acts of Congress are necessary to be passed in order to afford protection to American labor, and the convention with China should be so revised as to cover beyond all question every part of the territory of the United States.

The peril from Chinese labor finds a similar danger in the unrestricted importation of Japanese laborers. The cheapness of that labor is likewise a menace to American labor, and a new treaty with Japan for such restriction as well as the passage of laws by Congress is desired for the protection of Americans.

I therefore most earnestly appeal to your honorable bodies for the passage, as a matter of urgency, of appropriate resolutions instructing our Senators and requesting

our Representatives in Congress for the immediate institution of all proper measures leading to the revision of the existing treaties with China and Japan, and the passage of all necessary laws and resolutions for the protection of American labor against the immigration of Oriental laborers.

BUBONIC PLAGUE SCARE.

The year 1900 began most prosperously for the people of this State, with the adjustment of the affairs of the different islands won by American valor and diplomacy from the kingdom of Spain. The rains of the preceding winter had allowed our farmers and fruit-growers to garner full crops, and the merchant and manufacturer, owing to the free communication with the Philippines, exhibited business activity, and a most profitable harvest was presaged for the people of the State. At this most favorable juncture for our people a fearful shadow was cast upon our State through the recklessness of certain city officials of San Francisco, assisted by a Federal officer, one Doctor Kinyoun.

Intimations were thrown out in the months of March and April last that the dreadful bubonic plague existed in the Chinese quarter of San Francisco. Secret consultations and alleged investigations were had by said city officials, in conjunction with the said Federal quarantine officer, and the result of such alleged investigations was that the Surgeon-General of the United States Marine Hospital at Washington was informed by some of these ill-advised persons that the terrible plague was epidemic in the city of San Francisco. Theretofore cultures and slides containing genuine plague bacilli were imported into the State, and such cultures and slides were carried by certain physicians and others in their pockets while riding in cars and stopping at hotels and other public places.

Efforts were made by the said city officers to remove the Chinese from their quarters in San Francisco to Mission Rock, and the Chinese Consul of San Francisco communicated this attempted violation of the treaty rights to the United States Secretary of State, through the Chinese Minister at Washington.

During the course of these events a few sensational newspaper organs, like carrion birds, scented the subject, and boldly espoused the cause of the plague creators, publishing daily sensational accounts of suspected cases, and declaring them to be cases of plague. In the latter part of May, and until about the middle of June I spent some weeks in San Francisco, ably assisted by Hon. Daniel Kevane, Secretary of the Board of Examiners, and also by most eminent local physicians and bacteriologists, as well as by distinguished and level-minded citizens, in a careful, fair, and full examination of the matter. After a most impartial examination, in which I sought to be apprised of every fact from reliable sources which would tend to throw light upon the subject, I finally became convinced beyond doubt that the bubonic plague did not exist, and had not existed, notwithstanding the alarming reports to the contrary.

Could it have been possible that some dead body of a Chinaman had innocently or otherwise received a post-mortem inoculation in a lymphatic region by some one possessing the imported plague bacilli, and that honest people were thereby deluded?

On May 31, 1900, while in San Francisco conducting such investigation, I received a dispatch from His Excellency John Hay, Secretary of State at Washington, inquiring if the plague really existed, and requesting me to report at an early opportunity. I replied immediately that I was then investigating the matter, and would report as quickly as possible.

Thereafter, upon the 13th of June, 1900, my labors, occupying weeks, were completed, the different medical views maturely considered, and I was satisfied beyond all reasonable doubt that the bubonic plague had not been in the Chinese quarter of San Francisco nor in any other part of the city, nor in any part of the State.

I thereupon transmitted to His Excellency John Hay the following dispatch, which was signed and concurred in by the distinguished medical authorities and by the prominent citizens whose names appear below, to wit:

SAN FRANCISCO, June 13, 1900.

"To His Excellency JOHN HAY, Secretary of State, Washington, D. C.:

"SIR—In reply to your telegram of date May 31, I have the honor to report:

"First—That no case in San Francisco or California has been diagnosed as bubonic plague by any attending physician while the victim was alive, nor by the attending physician after death. In some of the suspected cases death has occurred when no regular physician was in attendance. There have been in all only eleven suspected cases among a population of 35,000 Chinese (15,000 of whom are quarantined), and no cases among whites and other races. The examinations made after death of the bodies of the suspected cases since the alleged discovery of the disease, more than three months ago, fail to furnish satisfactory proof of plague.

"Second—That the quarantined district contains upward of 15,000 Chinese subjects, 3,500 of whom are unable to support themselves by virtue of the quarantine.

"Third—That full and fair investigation has been denied the physicians of the Chinese by the City Board of Health.

"Fourth—That the Chinese were forced to appeal to the courts, and were then accorded the right of investigation into the cause of death of the dead suspects.

"Fifth—That since the procurement of the order of court, granting privilege to the white physicians of the quarantined Chinese to visit the sick and be present and take part in autopsies had, neither the City Board of Health nor Federal officers have been able to discover any bubonic plague case, dead or alive.

"*Sixth*—That there has been no epidemic in Chinatown.

"*Seventh*—That the municipal records show the proportion of deaths in Chinatown has been no greater than that of any other portion of San Francisco since the date of the discovery of the alleged plague in Chinatown.

"*Eighth*—That I cannot find proof that the plague alleged to be here is either infectious or contagious. I find no proof that any person has contracted it from another; and I further find that certain individuals who have been repeatedly exposed at autopsies and elsewhere to the alleged plague, and others who have moved about in the houses and rooms where the suspects expired, having done so without taking any precaution whatever against the supposed malady, have neither contracted the same nor spread the disease elsewhere.

"*Ninth*—That no two persons of the same family have contracted the disease, and that no two cases have occurred within the same house or building, no matter how great the exposure may have been.

"*Tenth*—That the medical gentlemen and experts of the City Board of Health and the Federal quarantine officers who have ventured the injurious opinions which have spread broadcast over the world the rumor of the existence of the dreadful plague in the great and healthful city of San Francisco have never seen a living case of plague; whereas, some among the physicians, surgeons and scientists with whom I have advised have had personal experience and wide opportunities in observing bubonic plague when it was raging in India and elsewhere, and they all pronounce the suspected cases here not bubonic plague.

"*Eleventh*—From the best light I have been able to procure, and from a most careful consideration of the whole subject, I am pleased to inform Your Excellency that I firmly believe no case of bubonic plague has at any time existed within the borders of our State.

"*Twelfth*—That if the cases referred to were genuine plague, even then the quarantine as conducted by the City Board of Health, in conjunction with the Federal quarantine officer, is discriminating against the Chinese, and also unreasonable, according to information derived from the highest authority here obtainable.

"*Thirteenth*—It is undetermined by the court whether the injunction referred to has been violated.

"*Fourteenth*—Since the report to Your Excellency involves, among other things, the question whether there is plague in Chinatown, and also vitally touches the commercial and other interests of San Francisco, as well as deeply concerns the welfare of the entire State, I have deemed it my duty to call into consultation distinguished physicians, surgeons and bacteriologists, able financiers and business men and others, as well as my eminent predecessor in office, the Hon. James H. Budd, some of whose names are, therefore, in concurrence hereto attached.

"HENRY T. GAGE.

"We concur in the foregoing conclusion that bubonic plague does not exist, and has not existed, within the State of California:

"Physicians of the Regular School: L. C. Lane, President Cooper Medical College; C. N. Ellinwood, M.D., Professor Cooper Medical College; Winslow Anderson, M.D., M.R.C.P. Lond., M.R.C.S. Eng., President College of Physicians and Surgeons of San Francisco.

"Physicians of the Homeopathic School: Edwin S. Breyfogle, M.D.

"Bankers, Merchants, Etc.: Levi Strauss, President of Levi Strauss & Co.; James H. Budd, former Governor of California; Wm. Alvord, President of Bank of California; Robert J. Tobin, Hibernia Savings and Loan Society; Adam Grant, of Murphy, Grant & Co.; Lewis Gerstle, President Alaska Commercial Company; Isaias W. Hellman, President Nevada National Bank; Henry F. Fortmann, President Alaska Packers Association; A. B. Spreckels."

Many other eminent bacteriologists and physicians whose names are not attached to said report participated in this most important investigation, reached similar conclusions, and concurred in the findings of the foregoing telegram.

While these events were transpiring, the City Board of Health of San Francisco had already quarantined the Chinese district, but a test case having been heard in the United States Circuit Court before the Hon. W. W. Morrow, Judge thereof, the city quarantine was held illegal by a decision rendered June 15, 1900. In the course of this decision the eminent Judge observed as follows:

"If it were within the province of this Court to decide the point, I should hold that there is not, and never has been, a case of plague in this city."

Upon the day following the decision of the Circuit Court and the raising of the quarantine about the Chinese district, Dr. J. J. Kinyoun, the Federal quarantine officer (who had been previously a party to some of the investigations of those favoring the plague scare) arbitrarily and without proper cause quarantined the entire State. This summary and unjustifiable action appalled our citizens. The fruit and other industries were threatened with ruin. Business was partly paralyzed. Gloom settled over our State, and the promise of a prosperous and happy ending of the year was dispelled. On the night of Saturday, June 16, 1900, the date of the arbitrary quarantine of Dr. Kinyoun, I telegraphed the President, appealing in behalf of the people of the State to release the quarantine, and I referred for the facts to my previous report to the United States Secretary of State. Appeals to the President were also made by the Republican State Central Committee and by its officers, and by many distinguished citizens irrespective of party, while the members of the California Republican Delegation to the

Republican National Convention personally called upon the President at Washington, making similar appeals.

The President, being sufficiently advised of the true condition of affairs, acted promptly, and on Monday, June 18, 1900, he communicated with the Secretary of the Treasury, so that U. S. Surgeon-General Wyman was directed to order a release of the State quarantine, which was done at once.

Although our great and just President acted almost immediately when the injustice of Dr. Kinyoun and the said certain city officials of San Francisco was submitted to him, still, prior to the establishment of the quarantine, other States in the Union, being misled by the reports from the said officials who fostered the plague scare, quarantined against us, a course which was followed by the Republic of Mexico and a few other foreign States. Even yet, on account of the reports of the said city officers and of Dr. Kinyoun, the State of Texas continues an unjust quarantine against us, checking travel and interfering with the shipment of our commodities.

Assuming that we are fully justified in believing that the false reports of the plague, which were temporarily credited at Washington, in other States and in foreign countries, were innocently circulated, may we not have cause to think that in certain instances, when prosecuting scientific investigations within this State, with all sorts of slides, cultures, etc., for the purposes of discovery and comparison, some investigator innocently caused slides and cultures containing genuine imported bacilli to be accidentally mixed with or substituted for harmless slides and cultures prepared from human suspects, and in that way the medical department in Washington as well as in this State were deceived and induced to foster the false reports?

I personally know, with respect to some of the same subjects, officially reported as plague-stricken, that where lymph was taken from such subjects under my direction and most carefully watched and handled, no such results were produced under the microscope or upon animals as those reported by Dr. Kinyoun. When this Federal quarantine officer reported that his inoculated animals died of plague, those inoculated under my direction fattened and thrived.

In the glands which were taken during my investigation for experiment and examination, extreme care was taken to guard against tampering, and to prevent them from being mixed with imported slides and cultures.

Under such circumstances would it not be fair and just to assume that by accident some one erred in the selection of slides and cultures, if such results as those reported by Dr. Kinyoun were in truth obtained? But at all events it must be remembered that Dr. Kinyoun, who has been so persistently obstinate in his reports of plague, never had any experience with the disease proper, his experience being derived wholly from books and laboratory work, and not from practice among victims of the plague, as was stated in my report, above set forth, to His Excellency John Hay.

Notwithstanding some official and private reports to the contrary, I am still convinced that up to this time no case of bubonic plague has existed in this State: and with ordinary vigilance of the Federal quarantine officers to prevent its importation from foreign countries, none will exist in the State, unless through the criminal negligence or connivance of those who might possess genuine imported bacilli, and who would be interested in planting the dread disease in our midst.

The false reports of the existence of the plague and the unjust quarantine of the State irreparably injured many of our business interests and numerous industries of the State. Travel was stopped to California, and visiting tourists made haste to leave our State. The prices of California fruits and cereals shrunk, and in the markets of other States this placard was observable: "No California Fruits for Sale." Our commodities were for sale at a discount in foreign markets, and the reputation of this State as a Mecca for health-seekers has been blackened for years to come.

It is unnecessary to go further into details of our injuries as a people, in view of our widely-known bitter experience.

EXTREME DANGER FROM THE IMPORTATION AND HANDLING OF PLAGUE BACILLI—RECOMMENDATIONS FOR LEGISLATION.

The deadly character of the bubonic plague germs is such that medical authorities are agreed that such bacilli are transmissible, not only by secretions and excretions, but also from man to man, from animals, insects, and from objects, as well as from the soil.

The awful nature of this disease, and the necessity for the State taking all precautions against its importation, will be appreciated from the following excerpts from the pamphlet on the bubonic plague written by Dr. Walter Wyman, Surgeon-General of the United States Marine Hospital Service (the superior officer of Dr. Kinyoun), and published at Washington by the Government Printing Office. Dr. Wyman says:

"In the Christian era it is not until the sixth century that we find bubonic plague in Europe. In 542 it spread over Egypt, and passed to Constantinople, where it carried off 10,000 persons in one day, and in the same century appeared in Italy, and extended also along the northern coast of Africa. It prevailed in England in the seventh century. In the fourteenth century it was introduced from the East and prevailed throughout Armenia, Asia Minor, Egypt, Northern Africa, and nearly the whole of Europe. Hecker calculates that one fourth of the population of Europe, or 25,000,000 persons, died in all of the epidemics in the fourteenth century. It was in this century that the first measures were taken to check the spread of the plague, Venice appointing in 1348 three guardians of the public health for this purpose. In the fifteenth century it

recurred frequently in nearly all parts of Europe, in one year, 1466, the mortality reaching 40,000. The first quarantine establishment was founded in this century, namely, at Venice, in 1403, on a small island adjoining the city. The sixteenth century was not more free from plague than the fifteenth. In 1572 50,000 died at Lyons. In 1576 Venice lost 70,000. In the seventeenth century it still prevailed in Europe, though less widely than in the middle ages. In 1656 one of the most destructive of all recorded epidemics raged at Naples. It is said to have carried off 300,000 in a period of five months. The great plague of London was in 1664 and 1665.

"The total number of deaths in 1665, according to the bills of mortality, was 68,596 in an estimated population of 460,000, out of whom two thirds are supposed to have fled to escape contagion. In the eighteenth century it prevailed extensively in Europe, the most notable epidemics being in Marseilles (1720), when from 40,000 to 60,000 persons were carried off. In 1721 it appeared at Toulon and spread over Provence, and out of a population of 250,000 persons, 87,659 are said to have died. Sicily was visited in 1743, namely, at Messina, where the mortality was between 40,000 and 50,000. In 1771 it broke out in Moscow, and more than 50,000 persons, nearly one quarter of the population, were carried off."

Again on page 8 of the pamphlet, Dr. Wyman, speaking of the appearance of the plague subsequent to 1893, observes:

"Through the channels as detailed above has resulted an epidemic outbreak, which in Bombay (presidency) alone, has resulted in 220,907 cases, with the enormous mortality of 164,083; in Hongkong, 1,600 cases, with 1,541 deaths; Amoy, within a limited period, 540 deaths; Calcutta, approximately, 500 deaths, and in Formosa, 2,468 cases, with 1,866 deaths."

That danger may result from the use of plague bacilli in scientific experiments, is evidenced by the comment of Dr. Wyman upon the Austrian cases, where he says:

"Cases in Vienna, resulting from accidental inoculation while studying the disease in one of the laboratories, were controlled, and were limited to the two original victims and a physician and a nurse who ministered to them. The same may be recorded of a case introduced into Trieste, Austria."

The importation and possession of such deadly germs is, therefore, fraught with danger to the people, and should be prohibited by law. Who can tell what an unscrupulous or negligent man, scientific or otherwise, might not do while possessing plague bacilli, and knowing how to use the same? Why should not the people be protected against the importation by scientific men of these dangerous microbes, as well as to be guarded by quarantine regulations against the victims of the disease? Convinced as I am that the actions of those persons who, during the recent plague scare, carried about with them these deadly imported bacilli, were full of recklessness, if not bordering on criminal lines, I now urge that vigorous laws be passed, so as to prevent such actions in the future. I recommend the passage of laws, carefully drawn, relating to this subject, in substance, as follows:

First—That it be made a felony, punishable with an extreme penalty of life imprisonment, for any person for any purpose to import or bring or cause to be imported or brought into this State, or to have in his possession within this State, without the written authority of the State Board of Health, approved by the Executive, any plague bacilli, or plague cultures, or plague slides, and also that attempts to accomplish the same purpose be made punishable as ordinary felonies.

Second—That it be made a felony, punishable with an extreme penalty of life imprisonment, for any person for any purpose, within this State, to develop bubonic plague cultures, or to make cultures or slides from any plague subject or so-called plague suspect, or to take tissue, glands, or lymph from any plague subject or suspect, or to otherwise operate upon the body of any plague subject or suspect, or to inoculate any animal, bird, or insect with plague bacilli, except under the supervision or with the written permission of the State Board of Health and with the approval of the Executive, and that any attempt by any person to commit any of such acts without such direction, supervision, and approval, be made punishable as ordinary felonies.

EXTENSION OF POWERS AND DUTIES OF THE STATE BOARD OF HEALTH—A STATE QUARANTINE OFFICER NECESSARY.

The paramount concern of the State of California for the sanitary condition of the people may be observed from the great damage done to the business and industries of the State through the recent false reports of the existence of plague. The merchants, business men, producers, manufacturers, farmers, and fruit-growers throughout the State who suffered extremely on account of the unreliable reports of reckless persons concerning the appearance of plague in the City of San Francisco, will agree that there is an immediate necessity for the passage of rigid laws giving within this State jurisdiction to the State Board of Health over all local Boards of Health in the matter of quarantine regulations, and the supervision and direction over all bubonic plague cases or plague suspects. The falsity of the report of the existence of plague in this State having been made manifest to the President, who caused the removal of the quarantine, justifies the State in attributing incompetency to the Federal quarantine officer stationed in this State. Even had the reports of that officer been well founded, which they were not, it still justifies the State in assuming that it was due to that Federal officer's incompetency in failing to properly quarantine the State, that suspected cases of plague were reported.

The time, therefore, has arrived for the State to protect its people, their business and their industries, against reported bubonic plague cases or plague suspects. I recommend, therefore, the extension of the powers and duties of the State Board of Health so that its dignity may be raised in proportion to its importance, and that the most eminent physicians may be proud of occupying a place in the Board, or acting under its supervision and direction. I recommend that in the matter of bubonic plague cases or plague suspects, as well as in all other dangerous, epidemic, contagious and infectious diseases, the State Board of Health have for State purposes full control and supervision of all county, city and county, city, and town Boards of Health, and medical officers, with a right at all times to demand a report from such boards and officers respecting epidemic, contagious, and infectious diseases.

I further recommend that a refusal or neglect by such officers to so report to the State Board of Health be declared a felony, and punishable as such.

In view of the fact that by reason of the powers vested in the City Board of Health by the Charter of San Francisco, the legality of the office of State Quarantine Officer to such city under the Act has been disputed, I recommend that a law be passed repealing said Act, and creating the office of State Quarantine Officer, to be vested with State quarantine powers, and to perform his duties under the supervision of the State Board of Health, such officer to be stationed at the Port of San Francisco. I recommend a moderate appropriation for the payment of such officer's services and expenses. I further recommend that full power be given the State Board of Health for the establishment and enforcement of all reasonable rules and regulations for a quarantine of the State and its waters.

I further recommend the passage of a law preventing the landing at any of the State, city and county, city, or town bulkheads or breakwaters of any vessel arriving from any other State or from a foreign country, at any port, sub-port, or harbor of the State, without a certificate of health first obtained from the said State Quarantine Officer at the Port of San Francisco, or from the State Board of Health, or from an officer duly authorized in writing by the State Board of Health.

It might be well, perhaps, that an Act be passed providing for the establishment of a laboratory for bacteriological and experimental purposes, for the use of the State Board of Health, and that an adequate appropriation be made therefor.

I recommend further, that it be made the duty of every city, county, and State officer, physician, or other person having knowledge of the existence of any case of plague or suspected case of plague, within the State, to report the same at once to the State Board of Health, or to the Sheriff or Coroner of the county, and that it be made the duty of such Sheriff or Coroner to immediately report such information to the State Board of Health. Refusal or neglect to perform such duty should in the case of physicians, city, county, and State officers, be made punishable as ordinary felonies, and in the case of other persons, such refusal or neglect should be punishable as a misdemeanor.

I recommend that it be made the duty of the State Board of Health, upon receiving such report, to immediately investigate or take charge of such case, or depute or authorize some physician to investigate and take charge of such case, and in the event of death that a member of said State Board of Health or physician delegated by said Board be present at the autopsy.

Upon the verification by the State Board of Health of any case of reported plague, it should be made the duty of such State Board to immediately notify all local Boards of Health in the State, and also notify by telegraph the United States Treasury Department at Washington, and the State Boards of Health of all the States of the Union.

LEGISLATION AGAINST FALSE REPORTS NECESSARY.

I recommend that all appropriate laws to protect the State from this dread disease should be enacted.

It is an extremely regrettable fact that the injury to the business and industries of the State was largely increased through false and sensational pictures and writings of a very few newspaper organs, managed and edited by those who certainly had not at heart the welfare of the State above their own selfish interests. The circulation of such untrustworthy publications disseminated the plague scare broadcast, and wrought much of the injury which the people of the State have sustained.

No State should permit such an outrage to be committed against its citizens by any man, set of men, or corporation. I believe in a free, but not in a licentious press. I believe in just public criticism by the press of public officers, and in proper and just warnings by the press of public and private dangers, whether from disease or otherwise. I would not desire, were it possible under our constitution and laws, for a censorship to be established over the press, notwithstanding some abuses. I am, however, firmly of the opinion that legislation is necessary to protect the people in the conduct of their business and the sale of their products and commodities. Such acts, causing great wrongs to the State by an individual or a corporation, should be declared criminal, and severe punishment should be meted out to such offenders.

We have a law now in our statute books entitled "An Act to protect stockholders and persons dealing with corporations in this State" (approved March 29, 1878), declaring as a felony the making and publication of false reports respecting the value of stocks sold in the market. Such a wrong, punishable under such Act, only affects a limited number of individuals, while the circulation and publication of false reports respecting the public health tends to the destruction of all the interests of all the people of the State.

The recent false press reports respecting the existence of bubonic plague within this State stopped for a time travel to this State, and ruined much property of our citizens, and imperiled our industries; and immediate legislation is needed to prevent a recurrence of these vicious publications.

I suggest, therefore, that it should be declared a felony for any person or corporation to publish or procure to be published within this State any false report of the presence of bubonic plague within this State, and that it be likewise declared a felony for any person or corporation within this State to publish or procure to be published without this State the existence within this State of bubonic plague.

The reputation for public health is a most valuable right of the State and of its people. That reputation of the State for health should not be destroyed nor the business nor industries of its citizens interrupted nor impaired through the malicious pen of a scribbler writing either for profit or sensation.

Reputation for public health is connected closely with public safety, and with the enjoyment by the citizens of their private property, and the care and maintenance of that public health is within the sovereign powers of the State.

The passage of such laws will not be repressive of the liberty of the press.

Judge Cooley, in his admirable work on Constitutional Limitations, thus defines that liberty, p. 518 (6th ed.):

"The constitutional liberty of speech and of the press, as we understand it, implies a right to freely utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character, may be a *public offense*, or as by their falsehood and malice they may injuriously affect the standing, reputation, or pecuniary interests of individuals. (Or, to state the same thing in somewhat different words, we understand liberty of speech and of the press to imply not only liberty to publish, but complete immunity from legal censure and punishment for the publication, *so long as it is not harmful in its character*, when tested by such standards as the law affords. For these standards we must look to the common law rules which were in force when the constitutional guaranties were established, and in reference to which they have been adopted.")

Again, the same learned author on pages 516-17 of the same work thus expresses the law:

"It is conceded on all sides that the common law rules that subjected the libeler to responsibility for the private injury, or the *public scandal or disorder occasioned by his conduct*, are not abolished by the protection extended to the press in our Constitutions."

The common law afforded full protection against malicious and seditious libels and publications, and where the public health and public safety are liable to be assailed by evil and designing persons, laws should be passed for the protection of the people in this regard. The people cannot permit their business and industries to be checked, injured, or destroyed at the mere whim or caprice of a private person or private corporation conducting a newspaper, which is capable of disseminating far and wide malicious or false reports respecting the condition of the public health of the State.

THE PASSAGE OF LAWS FOR THE IMPROVEMENT OF THE SAN FRANCISCO HARBOR AT THE EXTRA SESSION OF 1900.

In January, 1900, after very mature consideration of the many reasons then existing for reconvening the Legislature, I called an extraordinary session.

The legislators, actuated by patriotic motives, vied with each other in rapid, efficient, and economic work.

Among other principal matters for which the Legislature was convened was to pass enabling laws in aid of the State Harbor Commissioners of San Francisco by amending Sections 2524 and 2527 of the Political Code of this State. As Section 2524 previously stood, the length of wharves at San Francisco could not exceed six hundred feet from the bulkhead line, and this limitation was not adapted to the large modern ships arriving in the harbor. The wharfage facilities of San Francisco were insufficient to accommodate the great number of vessels already in port in 1899, and as the year 1900 promised a great increase in shipping, it became a matter of immediate necessity to provide in advance for that emergency.

Many merchants and commercial associations of San Francisco, having the interests of the State, as well as of that city, at heart, viewed with alarm the limited harbor accommodations to meet the constantly increasing demand of the shipping interests of that great and flourishing city, and urged me to call an extra session of the Legislature to afford relief in the premises. Among them, the North Central Improvement Association of San Francisco, composed of active business men of advanced views upon the subject of the commercial needs of the State, addressed to me a strong petition signed by numerous energetic and public-spirited citizens, requesting an extraordinary session, in order to afford the much needed relief, while the State Harbor Commissioners (a majority of whom are Democratic), together with my able and distinguished Democratic predecessor, Hon. James H. Budd, filed a petition on December 13, 1899, for an extraordinary session, stating the immediate necessity of amending said Sections 2524 and 2527 of the Political Code, in order to accommodate the increased tonnage arriving at the port.

The Legislature in the extra session of 1900 passed the principal measures for the relief of the Harbor of San Francisco recommended in my proclamation, so that under the

present law, with the approval of the Federal authorities. State wharves and piers may now extend out a distance of about eight hundred feet from the bulkhead line, which, when completed, will accommodate the largest ships afloat. The Board of State Harbor Commissioners, after the passage of the law, prepared a contour map for the establishment of a new harbor pierhead line, which was by me forwarded to the United States War Department at Washington, with the request that the new extended pierhead line be established in place of that previously existing. This request was referred to a Board of United States Army Engineers, which board recently met in San Francisco, and after due advertisement, made a favorable report to the War Department.

Upon the 18th day of December, 1900, I received official notice that the Honorable the Secretary of War had approved and confirmed the extension of the pierhead line into the Bay of San Francisco from Van Ness Avenue to Folsom Street.

By the amendment to Section 2527 of the Political Code, also passed at the said extra session, the Board of Harbor Commissioners, instead of being limited for the purpose of improvements to the use of their revenue for one year in advance, as was the case previous to the amendment of 1900, are now enabled to enter into contracts of leases for a period not exceeding five years after competitive bids, whereby the lessee shall undertake the construction of new wharves, bulkheads, or breakwaters, the rents therefrom to be applied in whole or in part payment for the cost of construction, discretion resting in the State Harbor Commissioners to provide in the contracts with the lessees that the rents from such wharves, bulkheads, or breakwaters shall be applied upon such contracts, or the work to be paid for in whole or in part from such rents and revenues, as may be deemed best by said Commissioners. By this amendment the State Harbor Commissioners may continually improve the harbor, without asking the Legislature to appropriate a single dollar toward the work, the plan in the amendment being wholly self-supporting.

The State Harbor Commissioners have reported that since the said extra session they have made contracts for improvements of the harbor aggregating in amount \$542,410.33 and of which sum \$326,847 will be applied to the construction of four modern substantial wharves and two car ferry slips.

With these grand harbor improvements and other probable improvements under the same plan, to meet our fast growing commerce, we need not fear, in the future, competition from the ports of Oregon and Washington, nor from the East upon the opening of an isthmian canal.

Since the filing by the State Harbor Commissioners of their biennial report, in which they have set forth the advantages to the harbor of San Francisco from the amendments passed at the extra session, I have received the following supplementary report, from which we may predict that the commercial future of the State is now firmly assured.

I beg leave to include in this message the supplementary report of the Harbor Commissioners, as follows:

"BOARD OF STATE HARBOR COMMISSIONERS,
"OFFICE UNION DEPOT AND FERRY HOUSE, SAN FRANCISCO, CAL., }
"SAN FRANCISCO, CAL., December 17, 1900. }

SUPPLEMENTARY REPORT.

"HON. HENRY T. GAGE, *Governor of California, Sacramento, Cal.*:

"SIR: In the biennial report of this Commission for the two fiscal years ending June 30, 1900, and forwarded to you some time ago, the subject of port facilities in this harbor was referred to at some length. Legislation enacted at the extra session of the Legislature relating to the powers and duties of this Board was taken up therein in detail, and an outline of the increased port accommodations contemplated mapped out. Since this biennial report was forwarded, and on November 22, 1900, the Board, under the authority conferred by the law as amended at the extra session, awarded contracts for the construction of four (4) new wharves and two (2) car ferry slips.

"The aggregate amount of these contracts is \$326,847, and the terms of the contracts which have been entered into provide for the payment of twenty per cent of contract price on completion of the work, and sixteen quarterly payments thereafter of five per cent each. There is also a stipulation that should the Board determine to pay before maturity, then a deduction shall be made at the rate of five per cent per annum. The contracts awarded do not include the furnishing of cement, wharf sheds, and drive-ways, nor preservation of piles for the car ferry slips to protect them from the ravages of marine pests. With these additions, the structure will cost about \$425,000.

"These contracts are the largest ever entered into at any one time for wharf construction by the Board of State Harbor Commissioners, and the improvements embraced therein will add greatly to the port accommodations, and in a very marked degree relieve the shipping congestion experienced during the past year.

"These new wharves will be built as permanent as scientific skill will permit, and will have a loading capacity of 500 pounds to the square foot. This, in comparison with the ordinary pile wharves upon our water front, the capacity of which is reckoned at 100 pounds to the square foot, affords convincing proof of their stability. Each of these new wharves will cost as much again as a pile wharf; but, built as they will be, on permanent lines, the cost of maintenance will be reduced, aside from the fact that their capacity will be so much greater.

"The inauguration of these improvements was made possible by the enabling legislation of the extra session. No such extensive work could have been projected without it. Extensive as is the work alluded to, the enabling legislation will permit this Board to prosecute other work of corresponding importance to our shipping industry, and in fact make it possible to provide all accommodations the volume of the commerce of this port will require, *without issuance of bonds or a tax upon the people of the State.*

"The next important work to be taken up is:

"*First*—The removal of the floating dry dock to Central Basin, near the Arctic Oil Works, and making additional wharf room at the present location of the dry dock, between Spear and Main streets.

"*Second*—The construction of two repair wharves in Central Basin, adjacent to new dry dock.

"As stated in our biennial report, the purpose of building these repair wharves is to enable the Board to assign vessels thereto undergoing repairs, and preclude the necessity of permitting them to occupy berths at wharves that could otherwise be utilized by vessels loading or discharging cargo.

"*Third*—Lengthening such number of wharves as are necessary to accommodate modern vessels of the greatest length, to be done after the Federal Government has established a new pierhead line."

(Note by Governor.—Since the writing, this has been granted by the Federal Government.)

"*Fourth*—Rebuilding of some of the old piers on permanent lines.

"*Fifth*—Extending the seawall south from its present terminus near Mission Street.

"The enabling legislation of the extra session has made it possible for this Board to anticipate its revenue for a period of five years in advance, and after deducting therefrom the amount estimated for current expenses during said period, enter into contracts to the amount of the difference or any part thereof for harbor improvements, and to stipulate that payments on such contracts shall be made at any time within a period of five years from the completion thereof.

"The revenue of the Board for the five fiscal years ending June 30, 1900, has been \$3,068,481.02, or an average of \$613,696.20 per annum. For the eleven months of the present year the revenue has been \$667,922.77, an average of \$61,174.79 per month, or for twelve months, \$734,097.40. There is no doubt but that when the returns for this present month are in, the receipts for the twelve months of this year will reach \$735,000, or an increase over the yearly average receipts of the five last fiscal years of \$121,303.80.

"With our increase in wharfage facilities, we believe we may safely calculate on a still greater increase in our receipts. For the coming five years the receipts of this Commission, in our judgment, will average \$750,000 per annum, and on this basis the following will clearly demonstrate the possibilities for harbor improvements under the enabling legislation of the extra session:

Estimated receipts for the coming five years at \$750,000 per year	\$3,750,000
Estimate of current expenses, including necessary repairs, during the coming five years	2,540,000
Gain	\$1,210,000
Amount of contracts entered into	326,847
Estimated surplus for permanent improvements	\$883,153

"The building of the seawall from its present terminus to Channel Street, a distance of about 6,000 feet, including the inside filling between the wall proper and the shore line, would cost about \$820,000.

"It is believed that in the near future the Board can under the enabling legislation of the extra session proceed to make further permanent improvements on the water front aggregating \$883,000.

"Thus it will be observed that the accumulated residue in five years, after paying in full for the four new wharves and two car ferry slips already contracted for, will exceed the amount that would be required to extend the seawall to Channel Street, if the immediate prosecution of this work were practicable.

"But before work on seawall extension is commenced, wharf additions in the harbor must first be made, so that our shipping will not suffer in any respect in the handling of inward and outward cargo. When these necessary additions are first perfected, as is now possible under the existing law, then the seawall can be extended, and the work paid for without any bond issue or tax upon the people.

"In our biennial report we referred at some length to the large increase of the business of the Belt Railroad. This business has continued to increase since June 30, 1900. Tenants occupying seawall lots have been notified to vacate, so that additional yard room can be secured for railroad purposes. The Board has advertised for bids for the construction of a freight depot for the Santa Fé Railroad System, and these bids will be opened December 27, 1900, and with other changes and alterations under way, this department will have increased and adequate facilities for the expeditious handling of the railroad business regardless of volume.

"With the addition of new wharves, work of the two State dredgers has been taxed to the limit. As proper dredging of the slips and channels of the harbor is a matter of the first importance, the Board has determined to build a new dredger of the most mod-

ern design and equipment, thereby precluding the possibility of any inconvenience to the shipping of the port.

"Very respectfully,

"PARIS KILBURN, President.

"P. J. HARNEY, Commissioner.

"RUDOLPH HEROLD, JUN., Commissioner.

"Attest: WM. D. ENGLISH, Secretary."

The excellent results attained by the gentlemen constituting the present State Board of Harbor Commissioners under the new law during the brief period which has elapsed since the extra session of 1900, reflect great credit upon their management of the affairs of the harbor of San Francisco.

THE UNIVERSITY OF CALIFORNIA.

Notwithstanding the careful management and control of the affairs of the University of California by the able gentlemen constituting the Board of Regents, and despite their devoted and generous labors without compensation for the welfare of that excellent institution of learning, it has been represented to me that the University is again in need of additional support, in order to meet present contingencies.

The condition of the University will doubtlessly be submitted to you for consideration by some of its officers, and its condition should receive from you close and careful examination.

The University is, independently of donations, maintained by a continual *ad valorem* tax of two per cent upon the taxable property of the State, and by income received from its investments and from special funds.

By an Act of the State Legislature to provide for the permanent support and improvement of the University, approved February 14, 1887 (Stats. 1887, p. 2 *et seq.*), the people of the State are annually taxed one per cent *ad valorem* upon each one hundred dollars of value of the taxable property of the State, and the taxes so received are paid into a fund called the "State University Fund," subject to be drawn out by order of the Board of Regents or such officers of the Board as may be duly authorized thereto. The money thus derived is to be applied to the support and permanent improvement of the University. By another Act of the State Legislature, approved February 27, 1897 (Stats. 1897, p. 44), to provide additional support and maintenance for the University, an additional one per cent *ad valorem* tax is annually levied upon each one hundred dollars of value of the taxable property of the State, the money derived therefrom being likewise paid into the State University Fund, subject to like order of the Regents or such officers duly authorized by them. Under the provisions of this last statute, one half of the revenues raised by this tax during the first ten fiscal years from the approval of the statute is to be devoted to the purpose of acquiring lands, buildings, and other permanent improvements.

About the time of the passage of the last statute of 1897, during the administration of my able predecessor, I have been informed that public assurance was given by the representatives of the University that, as a result of this law ample funds would be provided for the permanent support of the University, and further calls upon the Legislature for appropriations for support would be unnecessary, and would not be demanded. The people have since the passage of this last Act of 1897, graciously submitted to the two per cent tax for the support of the University, but it must be admitted that the maintenance of the University through standing taxes, in the light of this experience, is, to say the least, very disappointing.

Prior to the passage of the Act of February 14, 1887, providing for a continual tax for the support of the University, it had been the rule for each Legislature to provide sufficient appropriations for its maintenance for two years in advance in the same manner adopted for the support of other public institutions. The condition of the University was therefore exhibited directly to the representatives of the people, and became thereby a subject of public discussion and concern. By this method the people were brought in touch with the management of the institution, and could easily learn through their representatives its actual condition. While the Regents are obliged under the law to report the condition of the University annually, such reports are not read by the people, and generally their representatives, by reason of their many and varied duties, have neither time nor opportunity to give such reports careful attention. In consequence, the real condition of the University is withheld from the people.

The people, through their representatives in the Legislature, have never been parsimonious in appropriations for the support of the University, but have, on the contrary, generously assisted it when its condition was shown to require assistance. I venture the opinion, therefore, in the light of the past history of the University, that standing taxes for its support are not as productive of benefit to that splendid crown of the common schools as appropriations passed by each Legislature, according to its increased or diminished necessities.

The people have the highest concern in knowing the condition of the University, as well as that of other public institutions.

No State institution should be above the law, nor removed from public scrutiny.

From a report recently received by me from the Secretary of the Board of Regents, the sum received by the University from the two per cent tax for the fiscal year ending June 30, 1900, amounted to \$236,298.28. The sum to be received from the taxes of this

year will, in my opinion, slightly exceed this amount. The total income for the said fiscal year, including the two per cent tax, aggregated \$368,401.64.

It is said that this large sum is not sufficient to provide for the growing needs of the University, and relief from the present Legislature will be sought by the officers of the University.

THE BENEFACTIONS OF MRS. PHOEBE HEARST—SOME RECOMMENDATIONS FOR THE RELIEF OF THE UNIVERSITY.

Inasmuch as one half of the revenues derived from the additional tax provided by the Act of February 27, 1897, must under the law be used for permanent improvements, such as the acquisition of lands and buildings, it is my opinion that it is unnecessary that the tax for that purpose be continued, in view of the munificent donations which that most excellent lady and public benefactress, Mrs. Phoebe A. Hearst, is about to bestow upon the University for this special purpose.

I beg leave here to quote with approval the language of Governor Budd in his first biennial message, dated January 4, 1897, where, referring to this subject, he pays a well-merited tribute to Mrs. Hearst, as follows:

"Under an Act of the last Legislature, buildings for the affiliated colleges are being constructed in San Francisco, and as soon as a general plan for the construction of buildings at Berkeley can be adopted, the Regents will receive, by the donation of generous people of the State, sufficient money to construct all the buildings the University will need for many years to come. The means by which to procure these plans has already been donated by that public-spirited philanthropist, Mrs. Phoebe Hearst, whose aid has heretofore been graciously extended to the University; and as soon as the plans are adopted we are assured by her of an additional benefaction of over half a million dollars, for the erection and maintenance of buildings for the use and extension of the University."

Since Governor Budd delivered that message, Mrs. Hearst has, during the present administration, exceeded all expectations, by the adoption of plans for the University prepared upon a magnificent and almost royal scale, and has paid very high rewards to several competing architects, as well as to the designer of the approved plans. The future of the University regarding permanent improvements is therefore assured by the philanthropy of this most public-spirited lady and Regent of the University; and whatever may be lacking for the carrying out of the grand ideas of Mrs. Hearst will be gladly done at the proper time by the people of the State through their representatives, as occasion demands.

In view of this condition, I recommend for the present relief of the University that the Act of February 27, 1897, be amended so as to permit all of the revenues derived from the one per cent tax to be devoted to the support and maintenance instead of being in part used for permanent improvements.

The report of the Secretary of the University, recently submitted to me, shows that the amount of \$59,074.57 derived from this tax for the fiscal year ending June 30, 1900, was under that law devoted to the fund for the permanent improvement of the University.

By the adoption of the amendment now proposed by me the University will receive the benefit of this sum, which would otherwise be used for the erection of buildings and like improvements.

An Act was passed by the Legislature at its last regular session providing for the erection and furnishing of a residence for the Governor, but on account of the sudden rise in materials and for other reasons specified in the report of the State Capitol Commission, which is submitted for your consideration, the erection and furnishing of such residence was not possible; and in view of the immediate needs of the University, and the fact that such residence is not a matter of urgency, I recommend that a law be passed appropriating the balance of that appropriation, which is now in the State Treasury, to wit: the sum of \$48,758, for the support and maintenance of the University, and the subject of the erection of a residence for the Governor may be considered at a future session of the Legislature, if deemed advisable.

By the adoption of these two suggestions, a sum approximating \$109,000 will be immediately available for the needs of the University without increasing the appropriations to be passed at the present session, or requiring the passage of a law augmenting the taxes which will be payable by the people.

NON-RESIDENT STUDENTS SHOULD PAY TUITION FEES.

Some time ago it was proposed before the Board of Regents that all University students should be subjected to a tax for the support of the University. I took occasion then to vigorously oppose such an unjust plan, among other grounds, because the University, being supported by the people of California as a part of its plan of public education, and open to rich and poor alike, such a tax would be in violation of the rights of the people who supported this institution. The student tax was defeated. The injustice of the proposed student tax lay in the fact that it was sought to impose a tax upon the children of the taxpayers of the State whose money was already maintaining the University. Since the foundation of the University the people of California have maintained and supported that institution by the payment of taxes. It is manifestly unjust that the people of this State should be taxed to educate the children of non-residents and non-taxpayers of other States and of foreign countries.

If it be a fact that our University is becoming overcrowded, certainly measures should be adopted giving preference to the children of our taxpayers rather than giving place to children of non-residents of other States and foreign countries.

I therefore recommend that Section 1394 of the Political Code should be so amended, or that a law be passed, requiring non-resident students of the University to pay reasonable tuition fees.

In this connection I also recommend that tuition fees be required of all non-resident students attending the State Normal Schools.

In thus submitting my views upon the necessity of amending the laws relative to the maintenance of the University, it must not be supposed that I would desire to have its growth impaired by any parsimonious legislative remedies. On the contrary, I believe firmly in higher education. While my love for the common school is intense, I would also like to see the State University a greater institution of learning than any other in the world. But I do not believe in waste and in idle show. I would like to see the highest scientific and classical ideals attained, but I would also wish to see those ideals anchored in this practical, matter-of-fact world. Education should not be mere ornamentation. The student of the University, whether graduating as Bachelor of Arts, Bachelor of Science, Bachelor of Philosophy, or otherwise, should be already in touch with the busy world about him, and able to cope from a practical standpoint with the difficulties which ordinarily beset the graduates of our schools and colleges.

I believe in substantial appropriations to assist every wise and practical method of education which may be adopted by the University in its course. I believe, therefore, that the University should be liberally maintained, but not lavishly, so as to become an unnecessary burden upon the taxpayers of the State.

LELAND STANFORD JUNIOR UNIVERSITY.

By the passage, at the last election, of Assembly Constitutional Amendment No. 23, the trusts and estates for the endowment and maintenance of the Leland Stanford Junior University are exempted from taxation, and therefore imposes upon this institution a quasi-public character. In consideration of this exemption it is provided that the University will admit student "residents of California" free from tuition fees. This advantage will doubtlessly attract to that splendid institution many students who might otherwise avail themselves of the free tuition in the State University, which may in time tend to prevent the overcrowding of the University of California. Legislation will be necessary in connection with this as well as other of the constitutional amendments, to properly carry into effect the intention of the people in exempting this University from taxation.

ADJUSTMENT OF LEGISLATIVE DISTRICTS AND REAPPORTIONMENT.

Under Section 6 of Article IV of the Constitution of this State, your honorable bodies are vested with the power of fixing and adjusting the legislative districts of the State, and of reapportioning the representation, "so as to preserve them as near equal in population as may be."

My confidence in your integrity and fairness permit me to predict that this duty will be justly performed, and the matters disposed of upon the basis of abstract right.

ABOLITION OF THE OFFICE OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

I recommend the repeal of the Act approved March 9, 1897 (Stats. 1897, p. 74), creating "A commission for the promotion of uniformity of legislation in the United States," as the office serves no useful purpose, and its continued existence is an unnecessary expense to the State.

INVENTORY OF STATE PROPERTY.

Previous to the present administration no complete record had been kept at the Capitol of the various classes of State property under the control of State officers, and in the various institutions of the State. The Act requiring State officers to give an inventory of State property was approved February 9, 1897, and is entitled "An Act to require an inventory of State and County property, and directing that a record of the same be kept."

This Act is very loosely drawn, and requires only that a biennial report, under oath, of the inventory of all State property in their keeping, be given by State officers, boards, and commissioners, without attaching any penalty for non-performance.

The present Secretary of the Board of Examiners prepared a notice and demand under the terms of said Act, and caused the same to be served upon all State officers, boards, and commissioners, requesting a prompt return of the inventory. As a result of the urgent demands of the said Secretary, the Board of Examiners have now a more complete record and estimate of the nature and value of all State property than ever before.

I recommend that the said law be so amended, or that a new law be passed, requiring all State boards, commissioners, and officers to furnish the State Board of Examiners with verified inventories of all State property in their keeping or under their control at least once a year, and whenever reasonably demanded by said Board, and that a willful refusal to give such statement be declared a misdemeanor, and that such refusal be likewise punished by forfeiture of office.

PRIMARY LAW.

At the recent election the people adopted by a large vote Senate Constitutional Amendment No. 4, which vests in the Legislature the power to enact primary laws and to embody in such laws valid tests and conditions. In view of the clearly expressed will of the people, it becomes your duty, under the said constitutional amendment, to pass reasonable laws for the conduct of primary elections; but it must be remembered that the State is not absolute, so that care should be taken that such legislation may not contravene any of the provisions of the United States Constitution or of the Federal laws, and such laws providing for primary elections should be the least complex and as inexpensive in character as is consistent with the rights and privileges of electors.

WHITTIER STATE SCHOOL.

The report of the Board of Trustees of the Whittier State School has been printed as required by law, and I beg leave to refer you to a printed copy of said report for the details of the present management.

Since the adjournment of the thirty-third regular session, namely on the 16th day of June, 1899, the refectory building of the Whittier State School was accidentally destroyed by fire. As none of the State institutions, except the University and the State Printing Office, are permitted to carry insurance, and as no part of any money appropriated for the maintenance of the school could under the law be applied for the reconstruction of the burned buildings, great inconvenience has hampered the management. It is now necessary that contracts be let for the immediate rebuilding of the dining-room and kitchen, and I recommend that a law be passed appropriating a sum not to exceed \$15,000 for that purpose, which said appropriation should be made at once available.

PRESTON SCHOOL OF INDUSTRY.

The former superintendent, Mr. Hirschberg, of this School of Industry, recently tendered his resignation, and on the 7th day of December, 1900, a strong petition having been presented recommending Rev. C. B. Riddick, of Alameda County, for the vacant place, the Board of Trustees, I am pleased to note, selected this most accomplished and competent gentleman.

In view of the recent report before you of the former management, it is unnecessary at this time to detail the work heretofore done in this important reform school.

STATE INSTITUTIONS GENERALLY.

All State institutions appear to be efficiently and satisfactorily managed, with a few exceptions, where the control and supervision are not vested in this administration.

SCANDALS IN STATE DENTAL AND PHARMACY BOARDS.

The members of these boards (with one exception in the State Dental Board) were appointed prior to my induction into office.

Now it must be remembered, owing to the exceedingly limited powers of the Governor, that neither my own appointees, nor those of my predecessors holding for terms, are subject to removal or change.

In the management of the State Board of Pharmacy and the State Board of Dental Examiners scandals have been bruited, and appeals made to me for redress; but inasmuch as I am deprived of all power in the premises, such appeals are both idle and useless. As a result of these scandals, the said boards are in a lamentable condition, and their efficiency is practically destroyed.

At the extra session of 1900 I asked the Legislature for the power of removal in cases of malversation in office, which my predecessor had likewise requested, in order that such abuses might be rectified; but the Legislature then deemed it unwise to vest in the Executive of this State such power, although much greater power in respect to such matters has been granted to the Mayor of San Francisco and the Mayors of other cities in this State.

In this aspect of the case I quote the following language of Governor Budd in his second biennial message on the very eve of his retirement from office, and submit the same for your careful consideration:

"But," as I said in my message to the Legislature, 'if the Governor is to be held responsible for the conduct of the departments whose incumbents he names, he should be given control of those functionaries,' etc. Such control has not been given. I appealed to the last two Legislatures to pass some law empowering the Governor to control the institution, and pointed out how much I had been embarrassed by the lack of such laws. Both Legislatures refused to pass the requisite bills, and I found myself helpless when occasion arose for severe and determined treatment. If abuses exist, they are the direct result of such failure to pass the bills recommended. I again recommend that 'for cause and upon a hearing' the Governor be given the power to remove his own appointees."

Again, matters sometimes arise within the State which are the grounds of international questions, and the Executive is requested by the United States Secretary of State to forward a report of the facts of an alleged breach of treaty through the act of some term holding State, County, or Municipal officer. While the mere privilege of requesting such report of such officer is afforded the Executive, it is equally a privilege on the part of such officer to either notice or wholly ignore the request of the Executive. In

consequence it has happened in some instances that little or no information could be afforded the Department of State at Washington, and that little information was only given this office through the barest official courtesy. I have been compelled many times to call the attention of the Federal authorities to the inability of the Executive, under the laws of this State, of compelling the transmission of proper or much-needed information from our State, County, and Municipal officers. I submit that this defect in the law should be appropriately remedied, especially as you will remember that, outside of the appointees in the Governor's office, there are very few state officers whom the Governor has the power to remove for misconduct. An officer once appointed for a term of years has the power to defy both the people and the Executive, and to conduct his office according to his own pleasure, provided he does not reveal tangible evidences of crime.

The State Constitution provides that the Governor "shall see that the laws are faithfully executed" * * * and that "he shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters as he shall deem expedient."

How is it possible for him to report the condition of the State in all instances unless he shall be entitled to call upon the various officials throughout the state for such information as may be desired pertaining to their particular departments? And how is this possible unless it be made the duty of such officials, State, County, and City, to furnish the Governor, on reasonable demand, such needed information, and unless there be some mode provided by law to punish a dishonorable official for neglecting or refusing compliance therewith?

NATIONAL GUARD OF CALIFORNIA.

The present condition of the National Guard, as compared with its condition at the beginning of this administration, reflects credit upon the Adjutant-General and the officers of the National Guard. The Spanish-American War of 1898 as well destroyed the efficiency of the Guard as it depleted it in point of numbers. About twelve hundred officers and men, scattered throughout the State, represented its entire numerical strength. At the present time the Guard numbers over four thousand officers and men, inclusive of the Naval Militia consisting of four hundred and twenty five men and officers.

One of the efficient aids to the present improved condition of the Guard was the passage by the Legislature at its thirty-third session, of the Act entitled "An Act regarding organizations, officers, and members of the National Guard who entered the United States Volunteer Service in the Spanish-American war of 1898," etc., approved March 21, 1899 (Stats. Cal. 1899, p. 158, *et seq.*), which enabled the returned officers and men of the National Guard, California Volunteers who had been mustered into the United States Service, to reënter the National Guard, and report for duty.

The patriotism of our California Volunteers, as well as their loyalty to this State, induced them eagerly to avail themselves of the benefits of the statute, and their active service in camp and field gave as well new vigor to the Guard, as it inspired emulation.

The Adjutant-General's department has been managed with commendable economy, and at the same time sufficient supplies and equipments have been purchased by the State and furnished by the United States Government so that the Guard is now better equipped than ever before in the history of the State.

The following is a list of the Adjutant-General given to me of stores and supplies issued to the Guard:

Quartermasters' and Ordnance Stores and Medical Supplies Issued to the National Guard of California During the Present Administration.

3,117 Springfield rifles, caliber .45.....	\$40,895 04
3,037 gun slings.....	1,457 76
3,156 bayonet scabbards.....	2,556 36
3,440 cartridge belts, woven.....	4,394 45
3,100 haversacks and straps.....	4,464 00
3,100 canteens and straps.....	2,635 00
3,100 meat cans.....	864 00
14,850 tin cups, knives, forks, and spoons.....	1,098 43
326,000 rounds of ammunition.....	6,305 18
Miscellaneous ordnance stores.....	1,576 18

Total ordnance stores.....\$66,250 83

3,764 blouses, 3,667 pairs of trousers, 3,812 caps, 4,000 campaign hats, 1,543 overcoats.....	\$44,253 11
3,800 pairs of leggings.....	2,313 34
72 field ranges.....	3,096 00
3,516 shelter tent halves.....	5,760 63
504 regulation tents, complete.....	10,830 44
2,300 blankets.....	7,698 24

Total Quartermasters' stores.....\$73,951 76

Hospital supplies—Field equipment for five regiments.....\$2,066 34

Recapitulation:	
Total value ordnance stores	\$66,250 83
Total value Quartermasters' stores	73,951 76
Total value medical stores	2,056 34
Grand total	\$142,258 93

CALIFORNIA STATE RELIEF COMMITTEE FOR TEXAS SUFFERERS.

On the 7th and 8th days of September, 1900, great storms destroyed the City of Galveston and adjoining towns in the State of Texas, and the people of the United States were appalled by news of the loss of thousands of lives of their fellow beings and of an enormous destruction of property. The electric current of human sympathy sped east and west and north and south. The people of California were quick to respond without the need of an appeal from the people of Texas. When the reports of the destruction reached me I communicated with the Governor of Texas by wire, who responded that the people of Galveston were in need of all possible help. Appreciating the necessity of an organized movement for the distribution of money in aid of the survivors and for the burial of the dead, I appointed as a State Relief Committee for the Texas sufferers the following distinguished citizens of San Francisco, namely, Messrs. Isaias W. Hellman, Claus Spreckels, William Alvord, F. W. Dohrmann, A. A. Watkins, Charles Nelson, Robert J. Tobin, and J. L. Flood. Each of the above-named citizens readily accepted the responsibility, and unselfishly devoted his time and attention to this most humane work. The committee labored unremittingly in the cause of the distressed people of Texas, and on the 20th day of September, 1900, filed with me a preliminary report, and thereafter on the 4th day of December, 1900, filed a final report of their labors. The report is an excellent and business-like document. It shows that the committee received and transmitted to Governor Sayers of Texas for the relief of the sufferers cash contributions amounting to \$18,871.42, and that the total contributions to the Texas Relief Fund reported from the State of California aggregated \$85,273.85—a splendid testimonial to the generosity of the people of California and to their fraternal love for their fellow-citizens of other States.

Considering the care and labor devoted by the Relief Committee to this charitable object, I beg leave here to publicly thank each and all of the members of the committee, and to recommend that a resolution of thanks to all of the members of the Relief Committee be adopted by your honorable bodies.

CLAIMS OF COUNTIES AGAINST THE STATE.

Of the sources of fertile litigation against the State, the claims of counties predominate. Outside speculators yearly employ attorneys to examine the county records and prepare county claims against the State, among which claims are those based upon the alleged care of orphans, half orphans, and abandoned children. After the preparation of such claims, these speculators secure contracts with the County Boards of Supervisors, by which contracts they may lay claim to a large percentage of the county money in the event of recovery. In consequence of the acts of these speculators, county claims, five, ten, and twenty years back, are resurrected, and presented to the Board of Examiners, suits being threatened in the event of disallowance.

Many claims of this character, approximating the sum of \$200,000, are now pending, all of which arose (if they have any real foundation) long prior to my induction into office. The present administration has not only paid all claims properly arising under it and chargeable against it, but even claims due six months prior to its commencement.

What was said by me in my Inaugural Address applicable to a portion of such claims, may be here reiterated:

"The spirit of the county officials which inspires these demands is neither patriotic nor business-like. The officers of the counties should remember that these suits, if successful, will 'return to plague the inventor' in the form of increased taxation. The people of the State will be moreover ultimately compelled to pay through taxation whatever amounts may be expended by the several counties for the compensation of counsel and the payment of the other expenses incident to the litigation; and since the counties form a part of the State, it is clear that they will gain nothing by the litigation, but sustain a loss of whatever sums are paid in their attempts to collect these commissions."

The time for the presentation of claims of every nature by counties and persons against the State should be limited by law. No county claim arising more than six months prior to any new administration should be permitted to be paid by such administration. It is impossible to obtain proof of the validity of such claims where years elapse before presentation. It is proper, therefore, that a stringent law should be passed for the protection of the State against State claims of whatsoever nature.

DÉBRIS COMMISSION.

The United States Government appropriated \$250,000 in order to carry out, in conjunction with the State and its officers, the purposes of the Act of the Legislature of California, approved March 24, 1893, entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such Commissioner,"

and as amended by an Act of the Legislature passed under the administration of Governor Budd, approved March 17, 1897 (Stats. of 1897, p. 171 *et seq.*).

The plans for the work have been completed by the officers appointed by the Federal Government, and have met with the indorsement and approval of the Débris Commissioner holding this office by appointment of Governor Budd.

These plans, as prepared and completed by the Federal officers, propose a joint expenditure of \$800,000 by the United States Government and the State of California in order to fully complete the great work, but the general plan permits the work to be done in sections, some of which sections together will cost \$500,000.

When the State passed the Acts of 1893 and of 1897, appropriating said sum of \$250,000, it was estimated that the whole work could be done for \$500,000, and it was deemed proper, in view of the nature of the work proposed, that both the State and Nation should each pay one half thereof.

Accordingly the State Board of Examiners have approved the said plans, with a proviso that the State shall not be liable in any sum in excess of the \$250,000 appropriated as aforesaid.

A part of the contemplated work may, therefore, be constructed and completed without further delay.

The Federal plans propose the construction of dams, etc., for the benefit of the important industries of mining and agriculture.

It would appear to be conceded that the construction of these works will at least tend to the solution of a long-veexed question between the miner and the farmer, and result in great benefit to the mining counties of the mountains, and the agriculturists of the valleys below, as well as to improve the navigability of the rivers.

While it is not usual for the State to join with the Federal Government in appropriations designed to be used for the improvement of rivers and harbors within its boundaries, still it was thought advisable by the Legislature making the aforesaid appropriations to do so in this instance, because these proposed improvements were designed to go beyond the strict scope of river improvements.

You will observe that, in order to finally complete the work undertaken, either the State alone, or the Nation and State, will be required to furnish \$300,000.

It is to be hoped that our Senators and Representatives in Congress may induce the United States Government to make up this shortage without further demands upon the State; but should this be found impossible, and should the National Government insist that the original plan obligated the State to pay one half of the expense of the completed work, then in view of the great benefit to be derived, rather than see the work fail or remain incomplete after the expenditure of \$500,000 thereon, of which sum the State has already appropriated \$250,000, it would be well, perhaps, to make an appropriation for the payment of one half of such balance.

Again, the particular mining counties to be also benefited by this improvement, having for many years uncomplainingly paid taxes into the State Treasury, and having so much less direct benefit than the rest of the State incident to public expenditures upon State buildings, etc., for which all of the mountain counties paid their proportions with the rest of the State, it is but just, perhaps, that they should be accorded some extra consideration in this especial instance, inasmuch as our rivers, and valley lands likewise, will be greatly improved by the proposed work.

STATE HOSPITALS FOR THE INSANE.

So far as it has been possible for the State Lunacy Commission to control and regulate the internal management of the State Hospitals for the Insane, its efforts have been very effective, but it must be remembered that the Managers of the several Hospitals hold for terms, and that the Governor has no power of removal or change of such Managers. This is true of all subordinate State officers holding for fixed terms. At the extra session of 1906 upon my recommendation the Act to establish a State Lunacy Commission approved March 31, 1897, was so amended as to allow the Commission to fix the salaries of all officers and employes of the several State Hospitals for the Insane. This most salutary measure enabled the Commission subsequently to arrange uniform salaries for such officials, and to make reductions amounting to nearly \$20,000 annually. It was found, however, necessary, on account of the increased number of patients, and because of the previous limited service, which had sometimes permitted escapes from the asylums, to apply much of this saving in the employment of additional subordinate attendants, as well as to secure the services of female physicians. The number of patients in the asylums of this State is 5,311, of which 1,960 are females.

While some abuses remain which require attention at the hands of the Boards of Managers (which it is to be hoped will soon be removed), yet on the whole the State Hospitals for the Insane, so far as it has been possible for the present administration to deal with the questions, are much better managed than ever before.

FEMALE PHYSICIANS APPOINTED.

At the inception of my administration I perceived the necessity of employing female physicians in the State Hospitals for the Insane, on account of the large number of female patients. I laid the matter before the Lunacy Commission, and I am pleased to say that the plan met with the hearty approval of the members of the Commission, and two female physicians were appointed, after due examination as to their qualifications—

one being assigned to Napa, and the other to Stockton, and duty required them to visit the other State asylums.

The appointment of these female physicians was only made possible by the reduction by the Lunacy Commission in the salaries of the officers and employes of the asylums, by reason of the amendment to the law passed pursuant to the proclamation at the extraordinary session of 1900.

PRIVATE ASYLUMS FOR INSANE AND FEEBLE-MINDED PERSONS.

Grievous wrongs have been sometimes reported of the misuse of private asylums for insane and feeble-minded persons. Such private asylums are, when rightly conducted, of great benefit to the relatives of unfortunates, who are enabled to have proper care taken of incompetents, without subjecting the patients to the publicity which accompanies their custody in the State Hospitals; but as forcible detention of the unfortunates is necessary in all cases, it sometimes happens that such asylums are used as engines of great oppression. There may arise cases where certain sane and competent persons may be duped and coerced by designing persons interested in securing their property, or interested in their incarceration for other purposes. Because of the possible danger of such felonious coercion, I recommend that the law be amended so that the State Lunacy Commission may have the power, upon inquiry and investigation, of liberating all competent persons therein confined.

In this connection I suggest that like power be vested in the said Lunacy Commission of liberating all incompetents found in any of the State Hospitals. As the law now stands, a court proceeding must be first had, in order to determine the question of competency, before liberation, where the superintendent refuses to discharge the inmate. Human life, liberty, and human reason cannot be too strongly protected.

DEPORTATION OF JAPANESE.

The following is a report to me by the secretary of one of the State Boards of a saving to the State through the action of the State Lunacy Commission in causing the deportation from the State of certain insane Japanese subjects, to wit:

Hospital.	No. of Japs.	July 7, 1899. Cost of Deportation	Cost of Maintenance for One Year.
Stockton -----	5	\$441 60	\$637 00
Napa -----	5	478 85	672 80
Agnews -----	5	471 85	685 05
Mendocino -----	3	120 00	403 67
Southern California -----	1	87 15	155 90
	19	\$1,599 95	\$2,654 42

"The cost of maintenance for one year is based on the per capita cost of each hospital for the fiscal year ending June 30, 1899.

"Figuring on recoveries at the rate of 20 per cent will give us 15.2 who would probably have been maintained, say twelve years, or average life of insane in hospitals, at an average cost of \$140 per year, or \$25,536 for the 80 per cent who would have been maintained; deducting from this the cost of deportation (\$1,599.95) gives us \$23,936.05, net saving to the State."

It will be the endeavor of this administration to induce the various foreign consuls to take care of their insane citizens confined in our insane asylums by deportation to their respective countries.

QUARANTINE AGAINST THE INSANE FROM OTHER STATES AND FROM OTHER COUNTRIES.

The means sometimes adopted of spiriting into our State Hospitals the insane of other States and of foreign countries should not be tolerated.

The State Hospitals are in part maintained by the taxation of our own people in charity to those in our midst who are or may become demented. It is not right, therefore, that residents of other States should, as has been sometimes done, secretly carry their insane into this State, to be supported at the expense of the taxpayers of this State.

I suggest that some measures be passed empowering the State Lunacy Commission to effectually quarantine against the insane of other States and other countries.

PARDONS, REPRIEVES, AND COMMUTATIONS.

The most painful duty which comes within the province of the Executive is to decide upon petitions for pardon, reprieve, and commutation.

There are now pending before me about two hundred different applications for pardon. Perhaps seventy-five per cent have some circumstances appealing for clemency. The tendency of the human mind is not to resist, but to yield, to the appeals of unfortunate criminals and their heart-broken relatives.

There is a higher duty which the Executive owes to the people. He must not allow his personal sympathies to be swayed. The law-abiding people of the State require protection. Crimes, whether due to weakness of nature or to cool deliberation, must be punished. To liberate criminals upon the appeal of relatives in all instances where the

convicts have repented and have served very long and severe sentences, would be practically to declare that crimes should not be punished. Influence savoring of a political character, which is sometimes attempted, is most objectionable, and should never be the key to Executive clemency. Appeals to me of this nature will result, as in the past, in speedy denials.

In nearly fifty per cent of the cases which have been presented, the applications are accompanied by a petition signed by the jury which convicted the criminal, and by a letter of the trial judge, expressing his opinion that the sentence imposed was perhaps too severe, or that the ends of justice would be subserved by the liberation of the convict.

This means of attempting to shift the responsibility of a severe sentence upon the Executive is not an argument which can have much effect upon me, where the trial has been presumably a fair one, and where the evidence tends to prove the guilt of the accused.

Judges are sworn to do their duty. The trial judge has the case before him, with the living witnesses, whose demeanor and words bear the impress of truth or falsehood. The judge has heard the case, and while the jury may convict, the power of granting a new trial still rests with him.

Under these circumstances, acting upon the presumption that the sworn officers of the law have done their duty, I have steadfastly disregarded such appeals in clear cases.

I have patiently examined each case in the light of my duty to the people, and while my heart has many times urged me to sign the paper which would bring joy to the prisoner and to his anxious friends, yet my oath of office and my responsibility to the people to maintain the law, have demanded a different course.

The number of pardons, reprieves, and commutations during the last two years of my administration is, I regret, necessarily small—only one pardon being granted. The following is the list:

First—William Nagel, a butcher by trade, over seventy years of age, in the month of January, 1899, in the Superior Court of Modoc County, pleaded guilty to the crime of furnishing liquor to an Indian, and was sentenced to eight months' imprisonment in the county jail of Modoc County. A petition for his pardon, signed by many leading business and professional men of Modoc County, and by many of the county officials, was duly presented to me. The District Attorney joined in the petition for clemency, and the Judge who tried the case waived in writing all objection to Executive clemency. A full pardon was granted by me to William Nagel on the second day of June, 1899, for the following reasons: It satisfactorily appeared to me from the papers and evidence submitted that the Indian to whom the liquor was furnished sustained no tribal relations; that the time of furnishing the liquor by Nagel was on one of the Christmas holidays; that Nagel was so intoxicated at the time as not to know the nature of the act he was committing; and the liquor was furnished, not for profit, but as an act of drunken generosity. It further appeared that Nagel had borne a good reputation, was honest, industrious, law-abiding, and patriotic, and was a veteran of both the Mexican and Civil Wars. It appeared, further, that upon the facts, had he been tried before a jury, he would have been in all probability acquitted. It appeared, also, that longer detention would in all likelihood impair seriously his health, and he had, at the time the pardon was granted, served more than five months of his sentence.

Second—Ysabel Molina, a Mexican subject, was convicted in Kern County of the crime of murder in the first degree for the killing of Ameliano Ramos, a Mexican or Indian, at Bakersfield, in December, 1897, and was on December 11, 1899, sentenced by the Judge of the Superior Court to be executed at the prison of San Quentin on January 12, 1900. On the 31st day of December, 1899, I received a telegraphic appeal from the Mexican Ambassador at Washington requesting an examination into the case, and the extension of clemency to the condemned. Upon an examination of the records in the Executive Department, I discovered that certain papers had not been transmitted to me from the Superior Court of Kern County as required by law, and also that it would be necessary, in view of the previous record, that the Supreme Court should pass upon the question of the exercise of clemency. Therefore, on January 6, 1900, I reprieved the sentence of the prisoner until April 6, 1900, in order to secure the needed records and to enable a majority of the Justices of the Supreme Court of the State to pass upon the recommendation for clemency. Subsequently, and before the expiration of the reprieve, I submitted all the records transmitted to me bearing upon the case to the Justices of the Supreme Court. On the 3d day of April, 1900, I received from a majority of the Justices of the Supreme Court a recommendation that the sentence of the prisoner be commuted to imprisonment for life as prayed for. None of the other Justices of the Supreme Court indicated an opinion to the contrary. Upon a review of the testimony in the case, I determined that the killing occurred as the consequence of a brawl with the deceased, and that the recommendation of the learned Judges was in conformity with justice. Therefore, agreeably to the recommendation of the Supreme Justices, on the 5th day of April, A. D. 1900, I commuted the sentence of Ysabel Molina to imprisonment for life.

Third—Harry Winters, convicted of murder in the first degree in San Mateo County, was sentenced to be executed on October 27, 1899, at the State Prison at Folsom. Prior to the date of the sentence, to wit: on October 9, 1899, Warden Aull of the prison died, and the Attorney-General having given his opinion that the sentence could not be carried into effect on October 27, 1899, by reason of the failure of the Prison Directors to elect a new Warden, I therefore on October 26, 1899, reprieved the sentence of said

Harry Winters until December 8, 1899, on which day said prisoner was executed according to law—a new Warden having been previously elected.

Fourth—George Puttman was convicted of the crime of murder in the first degree for killing a fellow convict in the State Prison at Folsom on September 18, 1900, and was afterward, by an order of the Judge of the Superior Court of Sacramento County, sentenced to be executed at said prison on October 5, 1900. Upon petition by his counsel that he desired to perfect his appeal to the Supreme Court from the judgment of death, and he being by Section 1239 of the Penal Code entitled to sixty days in which to perfect said appeal, and said date of sentence being less than the time allowed defendant by law to perfect his said appeal, on the 3d day of October, 1900, I reprieved the sentence of said prisoner until November 19, 1900, on which day said prisoner was executed according to law.

DEATH PENALTY FOR LIFE CONVICTS FELONIOUSLY ASSAULTING ANY PERSON IN THE STATE PRISONS.

The discipline of the State Prisons must be preserved. Prisons are not only intended for the reform of the prisoner and as an example to the lawless element of the community, but likewise for punishment of crimes. The greatest vigilance of the prison officers cannot prevent occasional outbursts of violence where criminals are kept together in such numbers as in this State. It has been a matter of observation that in many cases where desperate convicts have been sentenced to life imprisonment, a spirit of abandon has overcome them. Knowing that they are immune from any higher punishment where crimes less than murder are committed by them within the prison walls, they have sometimes feloniously assaulted the turnkeys, guards, and even their fellow prisoners. The case of Jacob Oppenheimer at San Quentin is more notorious and suggestive of the need of legislation than that of Puttman at the Folsom Prison. Oppenheimer, a vicious life prisoner and a ringleader of a few desperate convicts, had made felonious assaults upon guards and fellow prisoners, and on one occasion he attempted to strangle one of the guards. On another occasion he deliberately stabbed one of the guards a number of times, inflicting severe wounds. He seemed not to dread the ordinary punishment of the prison. This and other examples of the criminal deeds of life convicts bid me urge the passage of a law which shall make it a crime punishable with death for any life convict to feloniously make an assault with intent to do great bodily harm upon any person.

I am satisfied that the enactment of such a law would tend to sustain the discipline of our State prisons by holding out the dread alternative of death to such of the abandoned life prisoners as devote their spare moments to the hatching of infamous plots.

NUMBER OF STATE PRISONERS.

The number of prisoners confined in the State Prisons is 2,045, of which number 1,293 are confined in San Quentin, and 752 in Folsom. Of these 2,045 State prisoners only *nineteen* are women—these latter being confined in the State Prison at San Quentin. This exceeding small number of female convicts, unparalleled in any State in the Union, is a splendid testimonial to the character of the women of California.

POWERS OF THE STATE PRISON DIRECTORS IN PAROLING PRISONERS SHOULD BE EXTENDED.

There are frequently appeals made on behalf of State prisoners who are not permitted to be paroled under the provisions of an Act of March 23, 1893, entitled "An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners," and yet whose cases are so worthy as to impress the Governor that their behavior would indicate a complete reform. Yet as the conduct of such prisoners would not without a test justify the Executive in granting a full or even a conditional pardon, it would appear just that such prisoners should be tried by a limited parole, with full power on the part of the Executive at any time of terminating the parole granted by the State Board of Prison Directors.

I suggest that the powers of the State Board of Prison Directors under the said Act be extended to the granting of such limited paroles to all worthy reformed prisoners; *provided, however*, that no such limited parole be granted until such prisoner shall have served at least two calendar years in one of the State Prisons.

CALIFORNIA WAR CLAIMS.

I beg leave here to call your attention to what was said by me in my Inaugural Address on January 4, 1899, respecting the unsettled claims of our State against the National Government arising out of the Civil War, in order that you may, if you deem such course advisable, pass appropriate resolutions instructing our Senators and requesting our Representatives to urge the passage of a law refunding to the State the money advanced for equipping and paying the California Volunteers.

In my Inaugural Address I expressed my convictions as follows:

"The claims of California against the General Government for furnishing, equipping, and paying volunteers during the Civil War, aggregating over \$4,000,000, are still unsettled. Various bills have been from time to time introduced in both the United States Senate and House of Representatives, but they have been either abandoned after introduction or referred to committees without final action taken thereon. On June 9, 1898, the United States Senate adopted a resolution in the matter of H. R. 4936 respecting

these claims, and appointed three Senators, viz: Teller, Pascoe, and Stewart, to confer with the House of Representatives. A provision for the payment to this State of \$3,951,915.42, in full settlement of California's claims, has been included in the Senate amendment. California cheerfully furnished to the Federal Government soldiers in defense of the Union, and while the nation had the right to this support, it had no right to the money, amounting to over \$4,000,000, which the State advanced for the equipment of its volunteers; and this money should now be restored to the State, with interest. Our Senators and Representatives in Congress should be requested to use every lawful effort for the passage of a bill allowing these war claims for at least \$3,951,915.42, the amount allowed in the Congressional bill to which reference has just been made. These war claims are both just and equitable, and the State has long and patiently waited for this settlement."

THE PARIS EXPOSITION COMMISSION.

Under the Act of the Legislature approved March 20, 1899, I appointed the three following distinguished citizens of our State as Commissioners to the great Paris Exposition: The Honorable Ben C. Truman, of Los Angeles; W. W. Foote, of San Francisco; E. W. Runyon, of Red Bluff; all of whom duly qualified according to law, and entered upon the discharge of their duties.

Commissioners Foote and Runyon have recently returned from Paris, but the other Commissioner is still in Europe.

The Commission has not as yet filed with me the report of its proceedings, and in the absence of which I cannot make further official statement.

JUDGMENTS AGAINST THE STATE.

Under the provisions of Section 6 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893 (Stats. 1893, p. 58), it becomes my duty to report to your honorable bodies all judgments rendered against the State and not heretofore reported.

The following is a list of such judgments which has been brought to my knowledge by the Attorney-General:

First—"James C. Daly, plaintiff, vs. State of California, defendant. By complaint in Superior Court, City and County of San Francisco, for \$10,000, legal services in S. P. Co. vs. Board of Railroad Commissioners. Judgment for plaintiff, September 3, 1898, for \$11,050 and interest until paid. Stipulation waiving appeal filed November 4, 1898. Closed."

From communications received from Mr. D. E. Collins, it is made to appear that the above judgment was at some time assigned to the California Bank of Oakland, but of the correctness of this information I have no knowledge from the records.

Second—"J. R. Hanify, plaintiff, vs. State of California, defendant. Justice's Court, City and County of San Francisco. No. 91,512. Complaint filed June 25, 1896, to recover \$197.70 damages caused to a lot of shingles dumped into San Francisco Bay by collapse of Fremont Street wharf. Cause tried and submitted December 20, 1898. On February 7, 1899, judgment rendered for plaintiff for \$197.70 damages and \$63 costs. Records of Court show no satisfaction or assignment of judgment."

Third—"The People of the State of California, by Tiley L. Ford, Attorney-General of said State, plaintiff, vs. Pacific Land Improvement Company (a corporation) and Emil Wickman, defendants. Superior Court, Los Angeles County. No. 33,738. Complaint filed October 25, 1899. Action to quiet title to certain lands in the town of Santa Fé Springs, County of Los Angeles, dedicated as a public park. Cause tried December 5, 1899, and on that date judgment rendered for defendants, because of insufficient proof of acceptance by the public."

ECONOMIC REFORM REQUIRED.

My efforts to fulfill my pre-election pledges of giving the people an economic government were sustained by the excellent body of Senators and Assemblymen who sat in the thirty-third legislative session. I am satisfied, however, that the members of the present Legislature, if you will only resolve so to do, can surpass the good work of the preceding Legislature, by urging still further economic reform. The times are auspicious. The people of our State have been just disburdened from years of depression. The recent election has demonstrated how near President McKinley is to the hearts of the people, and how fully his foreign and domestic policy reflects their wishes. The Philippines, a key to Oriental commerce, being now American territory, will enrich and build up the varied industries of this State.

It is right, therefore, that no reactionary depression should be developed by the imposition of a heavy tax rate through excessive appropriations or otherwise. Let the buoyant feeling which inspirits alike the laborer and the merchant, the farmer and the banker, continue unchecked, so that business activity may not be marred by the shadow of a too greedy tax-gatherer.

It lies with you, as legislators, to so apportion the State's money that all proper debts may be paid and the wants of all public institutions be sufficiently, but not extravagantly, supplied.

CONCLUSION.

It is impossible in a message to call attention to all the necessities of the State, and as you are each acquainted with a particular district and with its actual needs, I will be

pleased at all times during the session to confer with you as to all such needs, so that the legislative and executive departments may intelligently cooperate in an economic government, by giving the people the lowest rate of taxation in the history of the State.

In view of the number of appropriations necessary to pay the current expenses of government, the maintenance of the several public institutions, and the various just claims against the State, I invoke your honorable bodies to exercise rigid economy in the matter of small as well as large expenditures, for extravagance in the management of the State may grow great by the unnecessary addition and multiplication of what may appear to be small items.

I most respectfully again request that a close examination may be made of each measure, both in the House as well as in the Committee, before it receives your final sanction. Perfection in legislation we cannot expect, but if the lawmakers be earnest and active, and if the laws passed be intrinsically just, their object conformable with the prevalent public spirit, and if they be expedient, then will such measures contribute to the public welfare.

The subordination of self to public obligation is the first duty of the legislator. Good laws are the forceful expressions of the public will. To recognize the equity of the law and to so frame its provisions as to be adapted to the general welfare, the legislator should advise himself of the dominant sense of public right. When the individual conscience of the legislator harmonizes with the public conscience, the unfoldment of law is both easy and reasonable, and the legislation is commensurate with the public good and public demands.

Obedying the dictates of right conscience, and swayed by our sacred official oaths, let us patriotically, zealously, and economically labor together, so as to assist in the highest development of the State.

HENRY T. GAGE,
Governor of the State of California.

RESOLUTIONS.

The following resolutions were offered :

By Senator Simpson :

Resolved, That the first biennial message of Governor Henry T. Gage be referred to a committee of five, whose duty it shall be to segregate and refer the different subjects therein to appropriate Senate committees, with instructions—said committee to be appointed by the President of the Senate; and that the message be printed in the Journal of to-morrow.

Resolution read and adopted.

By Senator Smith of Los Angeles :

Resolved, That the Secretary of the Senate be and he hereby is instructed to have provided and constructed for the use of the Senators a booth for telephone purposes, to be paid for from the Contingent Fund of the Senate.

The State Controller is hereby directed to draw his warrant, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses, when appointed.

By Senator Burnett :

Resolved, That the Secretary of State be and he is hereby instructed to furnish forty-five copies of the Index to the Laws, 1850-1893.

Resolution read and adopted.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced:

By Senator Lukens: Senate Concurrent Resolution No. 2—Relative to State Relief Committee in the Galveston affair.

Referred to Committee on Rules.

COMMUNICATION.

The following communication was received and read:

To the Senate of the State of California :

A cordial invitation is extended to you to witness the ceremonies of the Electoral

College of California, during which the ballots will be cast for President and Vice-President of the United States, at State Capitol, Sacramento, Monday, January 14, 1901, at two o'clock P. M.

GEO. STONE,
Chairman Republican State Committee.

WM. M. CUTTER, Secretary.

Senator Wolfe moved that the Senate accept the above invitation.
Motion carried by unanimous vote.

APPOINTMENT OF SPECIAL COMMITTEE.

In compliance with a resolution this day adopted, the President pro tem. announced the appointment of Senators Simpson, Taylor, Selvage, Lardner, and Ashe as a special committee to segregate and refer the different subjects of the Governor's message.

ANNOUNCEMENT BY THE PRESIDENT PRO TEM.

The President pro tem. announced that if there were no objection on the part of the Senate, the Sergeant-at-Arms would be instructed to allow no person other than Senators, their invited guests, and others privileged by law, within the gates of the Senate Chamber while this body is in session.

Objections were called for, and there appearing to be none, the President pro tem. declared the above the ruling of the Senate, and thereupon instructed the Secretary to so inform the Sergeant-at-Arms of the Senate.

RECESS.

At two o'clock and thirty-five minutes P. M., on motion of Senator Cutter, the President declared the Senate at recess until five o'clock P. M. this day.

RECONVENED.

A five o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luch-singer, Lukens, Maggard, Muenter, Nelson, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

APPOINTMENT OF PAGES AND PORTERS.

The Secretary read the appointment of Pages and Porters as made by the President of the Senate, as follows:

Porters—Hiram Clock, J. C. Carter, L. B. Hawkins, William W. Martin, T. J. Quinn; William Sampson, Rear Porter.

Pages—Monroe Gilman, Page to the President; Francis D. Springer, Esmond M. Smith, O. R. Baxter, Dannie Love.

APPOINTMENT OF STANDING COMMITTEES.

The Secretary read the appointment of standing committees, as made by the President of the Senate, as follows:

SENATE STANDING COMMITTEES.

Agriculture (seven members)—Senators Currier (Chairman), Lardner, Maggard, Hoey, Tyrrell of San Francisco, Caldwell, Goad.

Apportionment (thirteen members)—Senators Cutter (Chairman), Nutt, Davis, Selvage, Luchsinger, Lukens, Flint, Smith of Kern, Burnett, Belshaw, Smith of Los Angeles, Curtin, Sims.

Banking (five members)—Senators Wolfe (Chairman), Greenwell, Nelson, Smith of Los Angeles, Goad.

Code Revision (seven members)—Senators Selvage (Chairman), Devlin, Davis, Smith of Kern, Smith of Los Angeles, Nutt, Sims.

Commerce (five members)—Senators Shortridge (Chairman), Nelson, Byrnes, Nutt, Ashe.

Contingent Expenses (three members)—Senators Flint (Chairman), Belshaw, Wolfe. Corporations (thirteen members)—Senators Simpson (Chairman), Flint, Lukens, Muentner, Bettman, Oneal, Welch, Leavitt, Currier, Selvage, Cutter, Nutt, Ashe.

Constitutional Amendments (seven members)—Senators Caldwell (Chairman), Devlin, Oneal, Simpson, Muentner, Wolfe, Ashe.

County Governments (seven members)—Senators Lukens (Chairman), Rowell, Smith of Kern, Nutt, Laird, Shortridge, Curtin.

Drainage (five members)—Senators Muentner (Chairman), Maggard, Devlin, Smith of Los Angeles, Goad.

Elections (nine members)—Senators Devlin (Chairman), Taylor, Burnett, Smith of Kern, Selvage, Corlett, Davis, Nutt, Ashe.

Education (seven members)—Senators Lardner (Chairman), Rowell, Selvage, Lukens, Smith of Kern, Devlin, Sims.

Enrolled and Engrossed Bills (three members)—Senators Nelson (Chairman), Welch, Goad.

Executive Communications (three members)—Senators Welch (Chairman), Simpson, Plunkett.

Federal Relations (three members)—Senators Laird (Chairman), Hoey, Curtin.

Finance (thirteen members)—Senators Smith of Kern (Chairman), Flint, Belshaw, Luchsinger, Tyrrell of Nevada, Nutt, Devlin, Leavitt, Rowell, Byrnes, Greenwell, Laird, Sims.

Fish and Game (five members)—Senators Tyrrell of San Francisco (Chairman), Laird, Maggard, Currier, Curtin.

Food Adulteration (three members)—Senators Burnett (Chairman), Rowell, Pace.

Forestry and Water Storage (nine members)—Senators Nutt (Chairman), Currier, Belshaw, Shortridge, Tyrrell of San Francisco, Byrnes, Cutter, Oneal, Plunkett.

Health (five members)—Senators Maggard (Chairman), Rowell, Nelson, Bettman, Pace.

Highways (seven members)—Senators Luchsinger (Chairman), Davis, Laird, Smith of Los Angeles, Greenwell, Selvage, Curtin.

Hospitals (five members)—Senators Rowell (Chairman), Corlett, Muentner, Smith of Los Angeles, Pace.

Irrigation (five members)—Senators Greenwell (Chairman), Tyrrell of Nevada, Currier, Caldwell, Curtin.

Judiciary (nineteen members)—Senators Davis (Chairman), Smith of Kern, Lukens, Selvage, Muentner, Tyrrell of Nevada, Lardner, Cutter, Devlin, Wolfe, Taylor, Shortridge, Oneal, Greenwell, Simpson, Caldwell, Curtin, Sims, Ashe.

Labor and Capital (three members)—Senators Byrnes (Chairman), Nelson, Laird.

Manufactures (three members)—Senators Corlett (Chairman), Burnett, Taylor.

Military Affairs (five members)—Senators Hoey (Chairman), Smith of Los Angeles, Burnett, Tyrrell of Nevada, Goad.

Mining (five members)—Senators Tyrrell of Nevada (Chairman), Davis, Laird, Byrnes, Curtin.

Municipal Corporations (seven members)—Senators Taylor (Chairman), Devlin, Shortridge, Smith of Los Angeles, Caldwell, Tyrrell of San Francisco, Ashe.

Printing (three members)—Senators Leavitt (Chairman), Smith of Kern, Goad.

Prisons (seven members)—Senators Belshaw (Chairman), Currier, Nutt, Rowell, Hoey, Nelson, Plunkett.

Reformatories (five members)—Senators Smith of Los Angeles (Chairman), Maggard, Devlin, Bettman, Goad.

Revenue and Taxation (five members)—Senators Oneal (Chairman), Wolfe, Belshaw, Leavitt, Curtin.

Rules (three members)—Senators Bettman (Chairman), Flint, Cutter.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day made case of urgency and passed Assembly Bill No. 1—An Act making an

appropriation to pay the expenses of Electors of President and Vice-President of the United States of America.

Also: Assembly Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Adopted Senate Joint Resolution No. 1—Relative to quarantine which the State has maintained against the introduction of insect pests and plant diseases.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

Assembly Bill No. 1 read first time.

Assembly Bill No. 2 read first time.

Senate Joint Resolution No. 1 ordered to enrollment.

SUSPENSION OF RULES.

By unanimous vote, the rules were suspended for the purpose of considering Assembly Bills Nos. 1 and 2, this day transmitted from the Assembly.

CASES OF URGENCY—RESOLUTIONS.

The following resolution was offered by Senator Leavitt:

Resolved, That Assembly Bill No. 2 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—34.

NOES—None.

Assembly Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

By Senator Cutter:

Resolved, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

NOES—None.

Assembly Bill No. 1 read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Wolfe, his motion to reconsider the vote whereby Senate Concurrent Resolution No. 1—Relative to extending to the President of the United States and other distinguished citizens an invitation to visit this State for the purpose of witnessing the launching of the battleship Ohio—was on a previous day adopted, which was postponed until this day, was postponed until next legislative day.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named members and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same, being the mileage due them by law.

Officers.		Miles.	Am't.
President, Jacob H. Neff.....		180	\$18 00
Secretary, Frank J. Brandon.....		280	28 00
Minute Clerk, E. F. Mitchell.....		345	34 50
Sergeant-at-Arms, J. Louis Martin.....		168	16 80
Dist. Senators.		Miles.	Am't.
24—Ashe, R. P.	San Francisco	180	\$18 00
11—Belshaw, C. M.	Antioch	192	19 20
22—Bettman, Sig.	San Francisco	180	18 00
20—Burnett, F. W.	San Francisco	180	18 00
29—Byrnes, J. D.	San Mateo	222	22 20
39—Caldwell, A. A.	Riverside	1,086	108 60
7—Corlett, Robt.	Napa	142	14 20
38—Currier, A. T.	Spadra	1,026	102 60
12—Curtin, J. B.	Sonora	200	20 00
6—Cutter, W. M.	Marysville	104	10 40
14—Davis, John F.	Jackson	154	15 40
13—Devlin, Robt. T.	Sacramento	2	20

Dist.	Senators.	Address.	Miles.	Am't
33—	Flint, Thos., Jr.	San Juan	360	\$36 00
8—	Goad, J. W.	Colusa	160	16 00
35—	Greenwell, C. B.	Hueneme	966	96 60
18—	Hoey, John A.	San Francisco	180	18 00
2—	Laird, Jas. T.	Alturas	758	75 80
5—	Lardner, W. D.	Auburn	72	7 20
26—	Leavitt, F. W.	Oakland	168	16 80
9—	Luchsinger, J. J.	Vallejo	122	12 20
27—	Lukens, G. R.	Oakland	168	16 80
4—	Maggard, W. F.	Corning	270	27 00
15—	Muenter, A. E.	Lathrop	116	11 60
25—	Nelson, J. H.	San Francisco	180	18 00
40—	Nutt, A. E.	San Diego	1,234	123 40
31—	Oneal, Louis	San José	280	28 00
32—	Pace, H. L.	Tulare	448	44 80
17—	Plunkett, J. M.	San Francisco	180	18 00
16—	Rowell, Chester.	Fresno	338	33 80
1—	Selvaige, T. H.	Eureka	660	66 00
30—	Shortridge, Chas. M.	San José	290	28 00
36—	Simpson, C. M.	Pasadena	976	97 60
10—	Sims, J. C.	Santa Rosa	364	36 40
34—	Smith, S. C.	Bakersfield	556	55 60
37—	Smith, Fred. M.	Los Angeles	958	95 60
28—	Taylor, E. K.	Alameda	172	17 20
3—	Tyrrell, John R.	Grass Valley	140	14 00
23—	Tyrrell, John G.	San Francisco	180	18 00
19—	Welch, R. J.	San Francisco	180	18 00
21—	Wolfe, E. I.	San Francisco	180	18 00

President Jacob H. Neff (payable out of Contingent Fund of Senate for the thirty-third session)	180	18 00
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Resolution read, and referred to Committee on Contingent Expenses.
By Senator Cutter:

Resolved, That the following be elected to the Senate offices set opposite their respective names, at the per diem named, payable out of the Contingent Fund of the Senate:

Committee Clerk to Finance Committee	S. N. Scott	\$6 00
Committee Clerk to Judiciary Committee	Hilda Clough	6 00
Committee Clerk	H. A. Fairbanks	4 00
Committee Clerk	A. M. Derry	4 00
Committee Clerk	C. B. Brown	4 00
Committee Clerk	Jno. F. Ahern	4 00
Committee Clerk	Jennie Kimberly	4 00
Committee Clerk	F. McQuaid	4 00
Committee Clerk	Reta Madden	4 00
Committee Clerk	J. C. Hays	4 00
Committee Clerk	J. H. Cope	4 00
Committee Clerk	A. V. Ipswitch	4 00
Committee Clerk	Albert Searle	4 00
Committee Clerk	Geo. S. Burnett	4 00
Committee Clerk	M. Cherrie	4 00
Committee Clerk	A. L. Luce	4 00
Committee Clerk	E. Fitzgerald	4 00
Committee Clerk	Clarke Howard	4 00
Committee Clerk	Mellis Walsh	4 00
Committee Clerk	John De Lancia Jr.	4 00
Committee Clerk	F. W. Richardson	4 00
Committee Clerk	A. Manahan	4 00
Committee Clerk	J. D. Jones	4 00
Committee Clerk	B. Poore	4 00
Committee Clerk	C. Vera Pedlar	4 00
Committee Clerk	Asa Newell	4 00
Committee Clerk	B. F. Gray	4 00
Committee Clerk	Chas. H. Murray	4 00
Committee Clerk	Thos. S. Nihill	4 00
Committee Clerk	S. Lake Howe	4 00
Committee Clerk	Mamie E. Luchsinger	4 00
Committee Clerk	Virgil Hatch	4 00
Committee Clerk	Geo. W. Rohe	4 00
Assistant Sergeant-at-Arms	J. G. McCall	5 00
Assistant Sergeant-at-Arms	John Hanks	5 00
Night Watchman to Gallery	H. Lorentzen	3 00
Telephone Clerk	Geo. McCarthy	3 00
Porter to Finance Committee	John Squires	3 00

Resolved, That J. A. Vaughan be elected to the statutory position of Stenographer to Finance Committee, at a salary of five (\$5) dollars per diem.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Brynes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

NOES—None.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

The following joint resolution was introduced;

By Senator Davis: Senate Joint Resolution No. 6—Relative to forest reservation.

Referred to Committee on Forestry and Water Storage.

ADJOURNMENT.

Senator Leavitt moved that the Senate adjourn until eleven o'clock A. M Thursday, January 10, 1901.

Motion carried.

Whereupon the President pro tem. declared the Senate adjourned until that hour out of respect to the memory of the late Dr. J. J. Nutt, father of Senator Nutt of San Diego.

IN SENATE.

SENATE CHAMBER,

Thursday, January 10, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Brynes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Wednesday, January 9, 1901, was read.

UNANIMOUS CONSENT ASKED FOR.

Senator Leavitt asked the unanimous consent of the Senate for a reconsideration of the vote whereby Assembly Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—was on yesterday finally passed.

The roll was called, with the following result:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—38.

NOES—None.

Whereupon the President pro tem. declared that unanimous consent for the reconsideration of final vote on Assembly Bill No. 2 was granted.

Senator Leavitt moved a reconsideration of the vote whereby Assembly Bill No 2 was finally passed.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—35.

NOES—None.

The President pro tem. thereupon announced that Assembly Bill No. 2 was on its third reading, and open to amendment.

THIRD READING OF ASSEMBLY BILL.

Assembly Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Leavitt moved to refer the bill to Senator Shortridge as a special committee of one, to amend as follows:

After the word "fund," line two, insert the words: "to the State Printing Fund."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 10, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

On motion of Senator Leavitt, Assembly Bill No. 2 was ordered immediately transmitted to the printer, with instructions to print the same forthwith.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Belshaw: Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison of San Quentin.

Bill read first time, and referred to Committee on Prisons.

Also: Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 3—An Act to amend Sections 2, 11, and 13 of an Act entitled "An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk, and the products of milk drawn from diseased animals; to prevent the spread of infectious diseases common to stock, and appropriate money therefor," approved March 22, 1899.

Bill read first time, and referred to Committee on Agriculture.

Also (by request): Senate Bill No. 4—An Act to prohibit the selling of pools, book-making, on any trial or contest of skill, speed or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein pool-selling or book-making is carried on, except when said pools are sold or said book-making is carried on within the race track enclosure, fair grounds, or buildings, wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act.

Bill read first time, and referred to Committee on Corporations.

Also (by request): Senate Bill No. 5—An Act to amend Section 1233 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 6—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigation on behalf of the State, and making an appropriation for the expenses of such investigation.

Bill read first time, and referred to Committee on Forestry and Water Storage.

Also: Senate Bill No. 8—An Act to prevent fraud on creditors and to provide for and regulate the sale, transfer, or assignment of an entire stock, or considerable portion of a stock, of goods, wares, or merchandise,

in a manner otherwise than by the ordinary course of trade and the regular and usual method of business.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 9—An Act adding sixteen new sections to the Political Code, to be numbered, consecutively, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, and 1381, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 10—An Act to amend Section 1186 of the Political Code, relating to conventions.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 11—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health, and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

Bill read first time, and referred to Committee on Health.

By Senator Caldwell: Senate Bill No. 12—An Act to validate certain acts and proceedings had under an Act of the Legislature of the State of California, entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Bill read first time, and referred to Committee on Drainage.

Also: Senate Bill No. 13—An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Senator Corlett: Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act, approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,'" approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita."

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 15—An Act to provide for the erection of a modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, and appropriating money therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 16—An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville, in this State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 17—An Act to amend Section 1401, and to repeal Section 1402 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 18—An Act to provide for the

inspection of illuminating oils manufactured from petroleum or coal oils.

Bill read first time, and referred to Committee on Mining.

Also: Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Bill read first time, and referred to Committee on Agriculture.

By Senator Cutter: Senate Bill No. 20—An Act to carry into effect the provisions of Section 1½ of Article II of the Constitution, concerning primary elections, by repealing Sections 1186, 1187, 1189, 1192, 1193 and 1357 to 1380, both inclusive, of the Political Code, and adding certain new sections to said Political Code in lieu thereof.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 21—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Bill read first time, and referred to Committee on Apportionment.

Also: Senate Bill No. 22—An Act to amend Sections 328, 352, 357, and 358 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time of commencing actions, and to repeal all Acts and parts of Acts inconsistent with this Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 24—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 25—An Act to provide for quieting and confirmation of titles to real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 26—An Act to appropriate the sum of \$454.93. to pay the claims and expenses of certain battalion officers, and officers and men of Companies B and D, Second Infantry Regiment, N. G. C., for active services rendered in defending prisoners from mob in the Colusa county jail in August, 1897.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 27—An Act to prevent the sale of raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches, and bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production.

Bill read first time, and referred to Committee on Prisons.

By Senator Davis: Senate Bill No. 28—An Act adding fourteen sections to the Political Code, to be numbered 1357 to 1370, both inclusive, pertaining to primary elections; providing for and regulating the

election of delegates thereat to nominating conventions in certain counties and cities and the City and County of San Francisco.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 29—An Act adding a section to the Political Code, to be numbered 1171, relating to the submission to popular vote and adoption in certain counties and cities, and in all towns, of the provisions of Sections 1357 to 1370, both inclusive, of the Political Code, requiring the election of delegates to nominating conventions at primary elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 30—An Act repealing Sections 1357 to 1383 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 31—An Act amending Section 1119 of the Political Code, relating to the registration of voters for primary elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 32—An Act to amend Section 1186 of the Political Code, relating to conventions.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 33—An Act adding a section to the Political Code, to be numbered 1186½, relating to party conventions.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 34—An Act to amend Section 1188 of the Political Code, pertaining to the nomination of candidates for public office by petition.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 593.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 38—An Act appropriating money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 39—An Act to amend Section 470 of the Political Code of the State of California, relating to the duties of the Attorney-General.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Bill No. 40—An Act to amend Sections 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380 of the Political Code of the State of California, and to add seven new sections thereto, to be numbered, respectively, Sections 1381, 1382, 1383, 1384, 1384½, 1384¾ and 1384¾, providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 41—An Act to amend the Civil Code of this State by adding four new sections thereto, to be known as Sections 1314, 1315, 1316, and 1316½, relating to depositing wills with the County Recorder, providing how the same shall be kept by him, how the same shall be delivered, and how the same shall be opened.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499½, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing the punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 43—An Act to add a new section to the Code of Civil Procedure of this State, to be numbered Section 1976, relating to the proofs of ordinances of cities, counties, and cities and counties.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 44—An Act amending the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 1964, relating to proof of payments by municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered Section 1975, relating to the proof of proceedings of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation in stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture for the fiftieth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 50—An Act to provide for the purchase of real property, known as Agricultural Park, in the City of Sacramento, State of California, from the Board of Directors of the California State Agricultural Society, and to empower said Board of Directors to sell a portion of said park, and to purchase from other parties land adjoining thereto for the State, to be used by the State for the purpose of conducting an agricultural fair, and appropriating money for such purpose.

Bill read first time, and referred to Committee on Agriculture.

Also: Senate Bill No. 51—An Act to provide for the construction of a State highway or model road from Sacramento City to Folsom, in Sacra-

mento County, and appropriating money, and crushed rock, and granite or stone blocks, for drains and culverts therefor.

Bill read first time, and referred to Committee on Highways.

By Senator Laird: Senate Bill No. 52—An Act to provide for the payment of a claim of Modoc County for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 53—An Act entitled an Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions in this State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lardner: Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1817, 1818, 1819, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools.

Bill read first time, and referred to Committee on Education.

By Senator Leavitt: Senate Bill No. 55—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 56—An Act to amend Section 530 of an Act to establish a Political Code, relative to the office of Superintendent of State Printing, providing for the appointment of such officer by the Governor, and repealing an Act providing for the election of Superintendent of State Printing, approved March 10, 1891.

Bill read first time, and referred to Committee on Printing.

Also: Senate Bill No. 57—An Act to amend Section 531 of the Political Code of the State of California, relative to the duties and qualifications of the Superintendent of State Printing of said State.

Bill read first time, and referred to Committee on Printing.

Also: Senate Bill No. 58—An Act making an appropriation for the purchase and installment of improved machinery in the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read first time, and referred to Committee on Printing.

By Senator Luchsinger: Senate Bill No. 59—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III, of the Political Code, relating to the school law of the State of California.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 60—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct disposition of the proceeds."

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 61—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 62—An Act appropriating the sum of \$2,345.75, to pay the claim of the Pacific Coast Steamship Company against the

State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court, and their salaries.

Bill read first time, and referred to Committee on Finance.

By Senator Maggard: Senate Bill No. 64—An Act making an appropriation to pay expenses incurred at the State Forestry Station, at Chico, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 65—An Act to add a new chapter to Division 1, Part IV, Title II, of the Civil Code, to be known and designated as Chapter IV, and to add nineteen new sections, to be known and designated as Sections 452, 452a, 452b, 452c, 452d, 452e, 452f, 452g, 452h, 452i, 452j, 452k, 452l, 452m, 452n, 452o, 452p, 452q, and 452r, relative to "Mutual Insurance on the Assessment Plan." (Life, Health, and Accident Insurance on the Assessment Plan.)

Bill read first time, and referred to Committee on Corporations.

By Senator Muentzer: Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawnbroker and others, and specifying the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 68—An Act to add a new section to the Penal Code of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk-dealers, and persons acting as their agents.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 69—An Act to amend Section 339 of the Penal Code of the State of California, relating to the registration by pawnbrokers, or the agents of pawnbrokers, or persons doing the business of a pawnbroker upon commission for others, and of persons acting as brokers in transactions of pledge, of their transactions of pledge, and of purchase, and of sale, and defining the offense of not registering such transactions by them, and specifying the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 70—An Act to amend Section 600 of the Penal Code of California, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600½, relating to and defining the offense of burning structures and other property under \$25 in value, not subject to arson, and specifying the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 72—An Act to amend Section 686 of the Penal Code of the State of California, relating to trials.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 73—An Act to add a new section to the Penal Code of the State of California, to be known as Section 26a, relating to corporations being capable of committing crime, and specifying the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 74—An Act to amend Section 60 of the Civil Code of the State of California, relating to illegal and void marriages.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 75—An Act to amend Section 487 of the Penal Code of the State of California, relating to grand larceny.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 76—An Act making an appropriation of \$5,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk and suitable fencing along California and Park Streets in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 77—An Act to amend Section 11 of "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 78—An Act to repeal "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 79—An Act to repeal an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897, relating to the Department of Highways.

Bill read first time, and referred to Committee on Highways.

Also: Senate Bill No. 80—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to persons to whom letters of administration of the estates of deceased persons be given.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 81—An Act to amend Section 1367 of the Code of Civil Procedure of the State of California, relating to whom administration may be granted.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 82—An Act to provide for the maintenance and support, in certain cases of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State Hospitals) becoming a public charge upon the counties, or cities and counties, within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rowell: Senate Bill No. 83—An Act to establish a tax on inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of its proceeds.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 84—An Act levying fees on corporations of other States and of foreign countries, and giving the proceeds to the University of California.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 85—An Act amending Subdivision II of Section 416 of the Political Code, by increasing the fees for filing articles of incorporation, and disposing of the proceeds.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 86—An Act placing a fee on granting naturalization, and giving the proceeds to the University of California.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Selvage: Senate Bill No. 87—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 88—An Act to amend Sections 2568, 2570, and 2571 of the Political Code, and to repeal Section 2569 of the Political Code, all relating to the Harbor Commissioners for the port of Eureka, and to add two new sections to the Political Code, to be known as Sections 2569 and 2569½, also relating to the Harbor Commissioners for the port of Eureka.

Bill read first time, and referred to Committee on Commerce.

By Senator Shortridge: Senate Bill No. 89—An Act providing for the construction of a State highway, or free wagon road, from Mount Hamilton Observatory, in Santa Clara County, to the San Joaquin River in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a board of commissioners, and authorizing and directing said board of commissioners to perform certain duties relating to the construction of such highway, and to condemn land and property for the purpose aforesaid, and making an appropriation for the expenditures and purposes provided in this Act.

Bill read first time, and referred to Committee on Highways.

By Senator Simpson: Senate Bill No. 90—An Act to amend Section 1665, and to repeal Section 1666 of the Political Code of the State of California, relating to the course of study in the public schools of the State.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 91—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and numbered as Section 402½, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette paper, or cigarette wrappers within the State of California, and fixing a penalty therefor.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 92—An Act making an appropriation to pay

the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Sims: Senate Bill No. 93—An Act to amend Section 3771 of the Political Code, relating to the sale of property for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 94—An Act to amend Section 3807 of the Political Code, relating to the sale of property for uncollected taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 95—An Act to amend Section 3884 of the Political Code, relating to the use of abbreviations in the assessments of land advertisement, and sale thereof for taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 96—An Act to amend Section 3899 of the Political Code, relating to the sale of property for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 97—An Act to amend Section 3629 of the Political Code, relating to the assessment of property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 98—An Act to amend Section 3632 of the Political Code, relating to the powers of Assessors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 99—An Act to amend Section 3649 of the Political Code, relating to the assessment of property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 100—An Act to amend Section 3760 of the Political Code, relating to the judgment lien for uncollected taxes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 101—An Act to amend Section 3638 of the Political Code, relating to the assessment of consigned goods.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith of Kern: Senate Bill No. 102—An Act to establish the California Polytechnic School in the county of San Luis Obispo, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 103—An Act making an appropriation to pay the deficiency for transportation of insane and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 104—An Act to amend Section 1170 of the Penal Code, relating to exceptions that may be taken by the defendant on the trial of an indictment or information.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 105—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 106—An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location and affidavits.

Bill read first time, and referred to Committee on Mining,

By Senator Smith of Los Angeles: Senate Bill No. 107—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section to be known as Section 3½, relating to the levying, and equalizing, and modifying, and reapportionment and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessments and reassessments, and against the improvements under said Act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 108—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 109—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Bill read first time, and referred to Committee on Education.

By Senator Taylor: Senate Bill No. 110—An Act to enforce the educational rights of children, and providing penalties for the violation of the Act.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 111—An Act to add a new section to the Penal Code, and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 112—An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 113—An Act relative to the meeting place of high school boards within municipal corporations.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 114—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be numbered 637½, providing for the protection of wild birds and their eggs and nests.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as 258, defining and providing a penalty for the crime of slander.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 117—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the

Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 119—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 120—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts, in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collections, custody and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Bill read first time, and referred to Committee on Drainage.

Also: Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 122—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 125—An Act to amend Chapter III, of Title II, of Part II of the Code of Civil Procedure of the State of California by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under the Local Improvement Act of 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (by request): Senate Bill No. 126—An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks,

and for the construction of sewers within the municipality, such Act to be known as the Local Improvement Act of 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Tyrrell of Nevada: Senate Bill No. 127—An Act to provide for the appointment, duties, and compensation of the Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner, and to repeal certain former Acts relating to the subject-matter of this Act.

Bill read first time, and referred to Committee on Mining.

Also: Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 129—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 130—An Act to change and permanently locate the boundary line between the counties of Plumas and Tehama.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 131—An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 132—An Act to change and permanently locate the boundary line between the counties of Yuba and Plumas.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 133—An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen.

Bill read first time, and referred to Committee on County Governments.

By Senator Cutter: Senate Bill No. 134—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Bill read first time, and referred to Committee on Elections.

By Senator Curtin: Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation.

Bill read first time, and referred to Committee on Mining.

By Senator Laird: Senate Bill No. 136—An Act to repeal an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891.

Bill read first time, and referred to Committee on Health.

By Senator Wolfe: Senate Bill No. 137—An Act defining investment companies, and regulating and governing corporations, companies, associations, and individuals engaged in the business of placing or selling debentures, bonds, or certificates of investment, by whatsoever name such bond or certificate may be designated, and to protect the holders thereof, and placing said corporations, companies, associations, or individuals under the supervision of the Bank Commissioners.

Bill read first time, and referred to Committee on Banking.

By Senator Devlin: Senate Bill No. 138—An Act to revise the Code

of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 139—An Act to revise the Penal Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Bill read first time, and referred to Committee on Code Revision.

By Senator Davis: Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Bill read first time, and referred to Committee on Highways.

By Senator Cutter: Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Bill read first time, and referred to Committee on Apportionment.

By Senator Smith of Kern: Senate Bill No. 144—An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such division.

Bill read first time, and referred to Committee on Highways.

By Senator Welch: Senate Joint Resolution No. 7—Relative to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

Referred to Committee on Health.

By Senator Rowell: Senate Concurrent Resolution No. 3—Approving the charter of the City of Fresno.

Referred to Committee on Municipal Corporations.

By Senator Cutter: Senate Constitutional Amendment No. 1—Senate constitutional amendment proposing that Section 1½ of Article XIII of the Constitution, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, be amended by adding the proviso that the phrase "solely and exclusively for religious worship" shall not be construed to prevent such exemption because of meetings of religious societies, sacred concerts, and entertainments given solely for the benefit of the church, being held therein.

Referred to Committee on Constitutional Amendments.

By Senator Simpson: Senate Constitutional Amendment No. 2—Senate constitutional amendment to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 7 of Article IX thereof, relating to the creation of the State Board of Education and defining the duties thereof.

Referred to Committee on Constitutional Amendments.

By Senator Taylor: Senate Constitutional Amendment No. 3—Senate constitutional amendment to propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, by adding a new section thereto, to be known as Section 1½, relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, city and county, town,

municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts) within said State.

Referred to Committee on Constitutional Amendments.

By Senator Lardner: Senate Constitutional Amendment No. 4—Senate constitutional amendment to propose to the people of the State of California an amendment to the Constitution of the State, amending Section 6 of Article IX, relating to the public school system and the support of public schools.

Referred to Committee on Constitutional Amendments.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Amos Stevens be elected Assistant Clerk, at a per diem of \$4, payable out of the Contingent Fund of the Senate.

Resolved, That Eugene Warren be elected Messenger to the State Printer, vice O. R. Morgan, resigned, at a per diem of \$3, payable out of the Contingent Fund of the Senate.

Resolution read.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—34.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—34.

NOES—None.

REPORT OF INVESTIGATION COMMITTEE.

Senator Leavitt presented the report of the Committee on Investigation of State Printing Office, heretofore appointed. Said report was order printed in the Journal on a day not later than Monday, January 14, 1901. (See page 82.)

MOTION.

On motion of Senator Leavitt, the Secretary was directed to have 250 copies of above report printed in pamphlet form for distribution.

RESOLUTIONS—(OUT OF ORDER).

By Senator Lukens:

Resolved, That the Controller is hereby directed to draw his warrant in favor of Hon. Jacob H. Neff, President of the Senate, for the sum of \$18, payable out of the Contingent Fund of the Senate provided for the expenses of the thirty-fourth session, and the Treasurer directed to pay the same—said above sum being the legal mileage due him for his presence at the convening of the Legislature January 2, 1899.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Laird:

Resolved, That the Secretary of State be and he is hereby authorized to purchase and pay for, out of the fund for contingent expenses of the Senate, forty-five copies of Henning's pocket edition of the Constitution, and forty-five copies of James H. Deering's Codes of California published 1899, and Bancroft's edition of the General Laws, and deliver the same to the Secretary of the Senate, for the use of Senators and the Secretary of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Sims:

Resolved, That the Superintendent of State Printing be and is hereby directed to print 600 copies of the First Biennial Message of Governor Gage, for the use of the members of the Legislature and for distribution, as required by law for reports of State officers, boards, or institutions.

Resolution read and adopted.

RECESS.

At twelve o'clock and five minutes P. M., on motion of Senator Cutter, the President declared the Senate at recess until three o'clock P. M. this day.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—35.

Quorum present.

CONSIDERATION OF ASSEMBLY BILL.

On motion of Senator Leavitt, Assembly Bill No. 2, having been printed as amended, was taken up for consideration.

Assembly Bill No. 2—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 2 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

SENATE CHAMBER, SACRAMENTO, January 10, 1901.

MR. PRESIDENT: The Committee on Rules respectfully report the following as the

Standing Rules of the Senate for the thirty-fourth session, and recommend their adoption.

STANDING RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Monday, January 28, 1901, a recess shall be given at twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order—Reading Journal.*

The President shall call the Senate to order at the hour stated, and, if a quorum be present, the Journal of the proceedings of the preceding day shall be read, unless otherwise ordered by vote of the Senate.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

5. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.
2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employes of the Senate, other than the President of the Senate. To certify to, and transmit to the Assembly, all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.
3. To keep a correct Journal of the proceedings of the Senate.
4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.
5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.
6. To assign to the Assistant Secretaries, and other officers, the duties pertaining to their offices.

6. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

7. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But

this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

8. *Senators Must Address the President.*

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken shall desire to do so.

9. *The Senators Entitled to Floor.*

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

10. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which each bill is referred, and the balance shall be distributed according to law.

11. *Number of Copies to Be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially direct a different number.

12. *Executive Session.*

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

13. *Printing the Daily Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

14. *Committees—When to Report.*

All committees of the Senate shall report their action on all bills referred to them before January 25th within ten days, except that all bills referred to them on and after January 25th shall be reported within five days, unless otherwise specially ordered, and when such extension of time is ordered the Senate shall state the length of time, and the Secretary shall make record of the same in a book kept for that purpose.

15. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

16. *Standing Committees, Quorum of—What Constitutes.*

The standing committees shall determine the number of such committee which shall constitute a quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

17. *Author to Speak Last.*

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

18. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

19. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

20. Order of Engrossing and Enrolling Bills.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate Bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

21. Printing for the Senate.

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary.

The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business under a specially prepared written order, to be known as a "Rush Order."

22. Petitions.

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered on the Journal.

23. No Records or Papers to be Taken from Desk.

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee, but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Enrolled and Engrossed Bills, and take their receipt therefor.

24. Appointment of Committees.

All standing committees of the Senate shall be named by the President of the Senate, unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

25. Assembly Bills to be Read First Time.

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

26. Oaths and Affirmations.

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator in open Senate, before entering upon his duties.

27. Resolutions.

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

28. Special Orders.

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day; and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

29. Voting.

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

30. Reconsideration.

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

31. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was

taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

32. Secretary, upon Notice of Reconsideration, not to Report Bill to Assembly.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

33. Motion to Reconsider May be Debated.

A Senator, after a notice of motion to reconsider is given as provided in Rule 31 may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

34. Reference of Bills to Finance Committee.

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

35. Standing Committees.

The following standing committees shall be appointed by the President of the Senate:

Agriculture—Seven members
Apportionment—Thirteen members.
Banking—Five members.
Code Revision—Seven members.
Commerce—Seven members.
Contingent Expenses—Three members.
Corporations and Public Morals—Thirteen members.
Constitutional Amendments—Seven members.
County Governments—Seven members.
Drainage—Five members.
Elections—Eleven members.
Education—Seven members.
Enrolled and Engrossed Bills—Three members.
Executive Communications—Three members.
Federal Relations—Three members.
Finance—Thirteen members.
Fish and Game—Five members.
Food Adulteration—Three members.
Forestry and Water Storage—Nine members.
Health—Five members.
Highways—Seven members.
Hospitals—Seven members.
Irrigation—Five members.
Judiciary—Nineteen members.
Labor and Capital—Three members.
Manufactures—Three members.
Military Affairs—Five members.
Mining—Five members.
Municipal Corporations—Seven members.
Printing—Three members.
Prisons—Seven members.
Reformatories—Five members.
Revenue and Taxation—Five members.
Rules—Three members.

36. Amendments to Original Question.

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

37. Engrossed Bills to be Examined and Reported.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

38. Engrossed Bills Have Preference.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

39. Amendments and Substitutes.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

40. Amendments and Substitutes Must be Germane.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

41. Least Sum and Shortest Time in Filling Blanks.

In filling up blanks, the least sum or number and the shortest time shall be put first.

42. Short of Final Question, Two-Thirds Vote Not Requisite on Propositions to Amend Constitution.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

43. Leave of Absence.

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

44. Claims on Contingent Fund Must go to Committee on Contingent Expenses.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

45. Order of Privileged Questions Under Debate.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

46. Motion Not to be Debated until Seconded and Announced.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

47. Senator, When Called to Order, Must Sit Down.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

48. Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read the third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

49. Ayes and Noes—Members Must Answer—No Vote After Announcement of Vote.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision from the chair.

50. Introduction and Reading of Bills.

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced

from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

51. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

52. *Titles of Bills Must Be in Journal.*

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

53. *When Not in Committee of the Whole, Proceedings Must be Entered in Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

54. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall be taken.

55. *Cases Not Provided for, Cushing to Govern.*

In all cases not provided for by these rules, the Senate shall be governed by the law^s and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

56. *Suspending and Changing Rules.*

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule 52 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules without debate.

57. *Powers and Prerogatives of President.*

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

58. *President May Order Lobbies Cleared.*

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

59. *President may Call Senators to the Chair.*

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

60. *Sergeant-at-Arms.*

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

61. *Messengers—When Introduced.*

Messengers are introduced in any stage of business, except while a question is being put, while the ayes or noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. *Doorkeeper.*

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators,

ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless invited by the President, or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

63. *Executive Communications and Nominations.*

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

64. *Printed Bills, etc., Must Be Placed on Desks.*

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

65. *San Francisco Delegation.*

The members of the Senate from the city and county of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

BETTMAN, Chairman.

SPECIAL ORDER SET.

On motion of Senator Bettman, the consideration of the above report was made a special order for Monday, January 14, 1901, immediately after the reading of the Journal.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Woodburn Lamphrey be elected Page of the Senate at a per diem of \$2.50, payable out of the Contingent Fund of the Senate, said compensation to date from and including January 9, 1901.

Resolution read.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—35.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—35.

NOES—None.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Wolfe, his motion to reconsider the vote whereby Senate Concurrent Resolution No. 1—Relative to extending to the President of the United States and other distinguished citizens an invitation to visit this State for the purpose of witnessing the launching of the battleship Ohio—was on a previous day adopted, which was postponed until this day, was postponed until Monday, January 14, 1901.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Senator Bettman, the Senate adjourned until eleven o'clock Friday, January 11, 1901.

IN SENATE.

SENATE CHAMBER,
Friday, January 11, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Nelson, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

Quorum present.

PRAYER.

Prayer by the Rev. A. B. Banks of Sacramento.

READING OF THE JOURNAL.

The Journal of Thursday, January 10, 1901, was read.

LEAVES OF ABSENCE.

Senator Muentner was granted a leave of absence for the day, on motion of Senator Caldwell.

Senator Oneal was granted a leave of absence for the day, on motion of Senator Flint.

Senator Maggard was granted a leave of absence for the day, on motion of Senator Burnett.

APPOINTMENT OF PORTER.

The following communication from the President was read by the Secretary:

SENATE CHAMBER, SACRAMENTO, January 11, 1901.

To the Senate of the State of California:

I hereby appoint R. F. Douglass as Porter.

JACOB H. NEFF, President of the Senate.

RESOLUTIONS.

The following resolutions were offered:

By Senator Simpson:

Resolved, That each member of the Senate be and he is hereby allowed \$25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Resolution read.

SUSPENSION OF RULES.

Senator Simpson moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—31.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nelson, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

By Senator Luchsinger:

Resolved, That the Sergeant-at-Arms provide the Press Mailing Clerks with \$40 worth of postage stamps, the same being payable out of the fund for the contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for said sum of \$40, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Smith of Los Angeles:

Resolved, That the newspaper representatives duly accredited on the floor of the Senate shall receive daily all copies of bills, resolutions, and other documents, the same as are delivered to the members of this Senate.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 11, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 6—Relative to forest reservation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LARD, Chairman.

Senate Joint Resolution No. 6 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 11, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Secretary of the Senate be and he hereby is instructed to have provided and constructed for the use of the Senators a booth for telephone purposes, to be paid for from the Contingent Fund of the Senate. The State Controller is hereby directed to draw his warrant, and the Treasurer directed to pay the same.

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase for the use of the Senate the necessary number of bill and journal files for the use of the Senate.

Resolved, That the Controller of State be and he is hereby directed to draw his warrant for fifteen dollars (\$15), in favor of the Secretary of the Senate, payable from the Contingent Fund of the Senate, to be used as a revolving fund for the purchase of stamps, wrappers, and envelopes at the Senate postoffice.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also:

Resolved, That the Secretary of Senate be and he is hereby authorized and directed to purchase forty-five copies each, of Henning's pocket edition of the Constitution, and

James H. Deering's Codes of California, and Bancroft's edition of the General Laws, latest publications, for the use of the Lieutenant-Governor, Senators, and Secretary of the Senate. The Controller is hereby directed to draw his warrant for same in favor of the Secretary of the Senate, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Recommend that it be amended by striking out the words "and Bancroft's edition of the General Laws," and respectfully report the same back, and recommend that it be adopted, as amended.

Also:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named members and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same, being the mileage due them by law:

Officers.		Miles.	Am't.
President, Jacob H. Neff	-----	180	\$18 00
Secretary, Frank J. Brandon	-----	280	28 00
Minute Clerk, E. F. Mitchell	-----	345	34 50
Sergeant-at-Arms, J. Louis Martin	-----	168	16 80
Dist. Senators.		Miles.	Am't.
24—Ashe, R. P.	San Francisco	180	\$18 00
11—Belshaw, C. M.	Antioch	192	19 20
22—Bettman, Sig.	San Francisco	180	18 00
20—Burnett, F. W.	San Francisco	180	18 00
29—Byrnes, J. D.	San Mateo	222	22 20
39—Caldwell, A. A.	Riverside	1,086	108 60
7—Corlett, Robt.	Napa	142	14 20
38—Currier, A. T.	Spadra	1,026	102 60
12—Curtin, J. B.	Sonora	200	20 00
6—Cutter, W. M.	Marysville	104	10 40
14—Davis, John F.	Jackson	154	15 40
13—Devlin, Robt. T.	Sacramento	2	20
33—Flint, Thos. Jr.	San Juan	360	36 00
8—Goad, J. W.	Colusa	160	16 00
35—Greenwell, C. B.	Hueneme	966	96 60
18—Hoey, John A.	San Francisco	180	18 00
2—Laird, Jas. T.	Alturas	758	75 80
5—Lardner, W. B.	Auburn	72	7 20
26—Leavitt, F. W.	Oakland	168	16 80
9—Luchsinger, J. J.	Vallejo	122	12 20
27—Lukens, G. R.	Oakland	168	16 80
4—Maggard, W. F.	Corning	270	27 00
15—Muenter, A. E.	Lathrop	116	11 60
25—Nelson, J. H.	San Francisco	180	18 00
40—Nutt, A. E.	San Diego	1,234	123 40
31—Oneal, Louis.	San José	280	28 00
32—Pace, H. L.	Tulare	448	44 80
17—Plunkett, J. M.	San Francisco	180	18 00
16—Rowell, Chester.	Fresno	338	33 80
1—Selvage, T. H.	Eureka	660	66 00
20—Shortridge, Chas. M.	San José	280	28 00
36—Simpson, C. M.	Pasadena	976	97 60
10—Sims, J. C.	Santa Rosa	364	36 40
34—Smith, S. C.	Bakersfield	556	55 60
37—Smith, Fred. M.	Los Angeles	956	95 60
28—Taylor, E. K.	Alameda	172	17 20
3—Tyrrell, John R.	Grass Valley	140	14 00
23—Tyrrell, John G.	San Francisco	180	18 00
19—Welch, R. J.	San Francisco	180	18 00
21—Wolfe, E. I.	San Francisco	180	18 00
President, Jacob H. Neff (payable out of Contingent Fund of Senate for the thirty-third session)	-----	180	18 00

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named members and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay the same, being the mileage due them by law:

Officers.		Miles.	Am't.
President, Jacob H. Neff	-----	180	\$18 00
Secretary, Frank J. Brandon	-----	256	25 60
Minute Clerk, E. F. Mitchell	-----	354	35 40
Sergeant-at-Arms, J. Louis Martin	-----	168	16 80

Dist.	Senators.	Address.	Miles.	Am't.
24—	Ashe, R. P.	San Francisco	180	\$18 00
11—	Belshaw, C. M.	Antioch	192	19 20
22—	Bettman, Sig.	San Francisco	180	18 00
20—	Burnett, F. W.	San Francisco	180	18 00
29—	Byrnes, J. D.	San Mateo	222	22 20
39—	Caldwell, A. A.	Riverside	1,086	108 60
7—	Corlett, Robt.	Napa	122	12 20
38—	Currier, A. T.	Spadra	1,026	102 60
12—	Curtin, J. B.	Sonora	200	20 00
6—	Cutter, W. M.	Marysville	104	10 40
14—	Davis, John F.	Jackson	154	15 40
13—	Devlin, Robt. T.	Sacramento	2	20
33—	Flint, Thos. Jr.	San Juan	340	34 00
8—	Goad, J. W.	Colusa	144	14 40
35—	Greenwell, C. B.	Hueneme	966	96 60
18—	Hoey, John A.	San Francisco	180	18 00
2—	Laird, Jas. T.	Alturas	758	75 80
5—	Lardner, W. B.	Auburn	72	7 20
26—	Leavitt, F. W.	Oakland	168	16 80
9—	Luchsinger, J. J.	Vallejo	122	12 20
27—	Lukens, G. R.	Oakland	168	16 80
4—	Maggard, W. F.	Corning	270	27 00
15—	Muenter, A. E.	Lathrop	116	11 60
25—	Nelson, J. H.	San Francisco	180	18 00
40—	Nutt, A. E.	San Diego	1,234	123 40
31—	Oneal, Louis	San José	256	25 60
32—	Pace, H. L.	Tulare	448	44 80
17—	Plunkett, J. M.	San Francisco	180	18 00
16—	Rowell, Chester	Fresno	338	33 80
1—	Selvage, T. H.	Eureka	612	61 20
30—	Shortridge, Chas. M.	San José	256	25 60
36—	Simpson, C. M.	Pasadena	976	97 60
10—	Sims, J. C.	Santa Rosa	180	18 00
34—	Smith, S. C.	Bakersfield	556	55 60
37—	Smith, Fred. M.	Los Angeles	956	95 60
28—	Taylor, E. K.	Alameda	172	17 20
3—	Tyrrell, John R.	Grass Valley	140	14 00
23—	Tyrrell, John G.	San Francisco	180	18 00
19—	Welch, R. J.	San Francisco	180	18 00
21—	Wolfe, E. I.	San Francisco	180	18 00

President Jacob H. Neff (payable out of Contingent Fund of Senate for the thirty-fourth session)..... 180 18 00

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions were adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That the Chief Clerk be and he is hereby instructed to notify the Senate that the Assembly is now duly organized and is ready to proceed with the business of the State, having elected the following officers:

C. W. Pendleton—Speaker.

W. C. Ralston—Speaker pro tem.

Clio Lloyd—Chief Clerk.

W. O. Banks—Sergeant-at-Arms.

R. Q. Wickham—Minute Clerk.

H. S. Wanzer—Assistant to Chief Clerk.

James M. Oliver—Assistant to Chief Clerk.

Clark Alberti—Assistant to Chief Clerk.

L. A. Hilborn—Assistant to Chief Clerk.

James Meredith—Assistant Sergeant-at-Arms.

F. McNamara—Clerk to Sergeant-at-Arms.
I. Wertheimer—Bookkeeper to Sergeant-at-Arms.
Amos Broughton—Assistant Minute Clerk.
Thomas K. Carr—Assistant Minute Clerk.
R. L. Dempsey—Journal Clerk.
Jeremiah Lucey—Assistant Journal Clerk.
L. F. Stinson—Engrossing and Enrolling Clerk.
J. Kuester—Assistant Engrossing and Enrolling Clerk.
Stanley Moorhead—Assistant Engrossing and Enrolling Clerk.
John Mott—File Clerk.
James Brady—Bill Filer.
C. F. Redwall—Bill Filer.
A. C. Jennings—Bill Filer.
W. J. Bigger—Bill Filer.
Rev. C. E. Wilson—Chaplain.
Ida Thomas—Postmistress.
Alice Burns—Assistant Postmistress.
L. Brady—Mail Carrier.
Eddie Roeder—Page.
W. J. Evatt, Jr.—Page.
Emmett Rhoads—Page.
James Hourigan—Page.
Deane W. Hassen—Page.
F. J. Swears—Page.
Charles Fisk—Gatekeeper.
Thomas P. Stewart—Gatekeeper.
Fred Pierce—Gatekeeper.
A. Davis—Doorkeeper.
William Barry—Gallery Doorkeeper.
Robert G. Smith—Messenger to Printer.
Percy Hight—History Clerk.
Rolla Fuller—Bill Clerk.
Walter Robertson—Assistant Bill Clerk.
J. Breen—Assistant Bill Clerk.
F. B. Grant—Assistant Bill Clerk.
F. T. Bartlett—Assistant Bill Clerk.
Robert Crowley—Committee Clerk.
John Daley—Committee Clerk.
E. Clark—Committee Clerk.
Charles Klinkner—Committee Clerk.
W. B. Reynolds—Committee Clerk.
S. Tombs—Committee Clerk.
Axel Johnson—Committee Clerk.
———Committee Clerk.
J. C. Bates, Jr.—Committee Clerk.
Frank Storer—Committee Clerk.
W. F. Eschbacher—Committee Clerk.
M. Garibaldi—Committee Clerk.
J. S. Chambers—Committee Clerk.
W. S. Hickman—Committee Clerk.
T. Bassety—Committee Clerk.
Joseph Myrick—Committee Clerk.
Ed. Skelly—Committee Clerk.
E. J. Shay—Committee Clerk.
W. A. Brown—Committee Clerk.
E. M. Treadwell—Committee Clerk.
C. E. Walling—Committee Clerk.
C. L. Seavey—Committee Clerk.
Edwin Hahn—Committee Clerk.
Hiram Hopkins—Committee Clerk.
D. M. Noble—Committee Clerk.
David Creamer—Committee Clerk.
J. M. Magee—Committee Clerk.
Thomas Kendrick—Committee Clerk.
E. J. Dwyer—Committee Clerk.
William Zambreski—Committee Clerk.
A. D. Shaw—Stenographer.
S. H. Garrett—Stenographer.
H. F. Bridges—Stenographer.
Herman de Laguna—Stenographer.
L. O'Neil—Stenographer.
J. H. Watkins—Stenographer.
George Ashley—Porter.
George Brown—Porter.
Thos. Scott—Porter.
J. H. Howell—Porter.

F. T. McClellan—Porter.
William Blakeley—Watchman.
Cornelius Gould—Watchman.
John Costre—Watchman.
F. J. Sweeney—Sergeant-at-Arms to Judiciary Committee.
George P. Merritt—Sergeant-at-Arms to Ways and Means Committee.
Thos. F. Shinn—Fireman.
Geo. Gasper—Engineer.
And awaits your pleasure for legislative business.

CLIO LLOYD, Chief Clerk of the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and referred to committees as indicated:

By Senator Leavitt: Senate Bill No. 143—An Act to repeal an Act entitled "An Act making it unlawful to refuse admission to places of amusements," approved March 23, 1893.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 145—An Act to prevent tampering with animals and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Bill read first time, and referred to Committee on Agriculture.

By Senator Sims: Senate Constitutional Amendment No. 5 (providing for a State Normal School Board)—Senate constitutional amendment to submit to the people of the State of California an amendment to the Constitution of the State amending Article IX by adding a new section thereto, to be known as Section No. —, relating to the control of State Normal Schools, and to appropriations therefor.

Referred to Committee on Constitutional Amendments.

By Senator Sims: Senate Bill No. 146—An Act to amend Sections 974, 975, 976, 977, and 980 of the Code of Civil Procedure, relating to appeals from Justices' and Police Courts to the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 147—An Act providing for the appointment, and for fixing the bond and compensation, and for specifying the duties, powers, and tenure of office of matrons for city and town jails and prisons, where matrons therefor are not otherwise provided for.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 148—An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897 (said new section to be known as Section 25½); and also to amend Section 89 of the above entitled Act, all relating to the subject of matrons for county jails.

Bill read first time, and referred to Committee on County Governments.

By Senator Byrnes: Senate Bill No. 149—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Simpson: Senate Bill No. 150—An Act providing for the sale of street railroad and other franchises in municipalities, and pro-

viding conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 151—Defining investment companies, and regulating and governing corporation companies, associations, and individuals engaging in the business of placing or selling debentures, bonds, or certificates of investments, by whatsoever name such debentures, bonds, or certificates may be designated, and to protect the holders thereof.

Bill read first time, and referred to Committee on Banking.

By Senator Selva: Senate Bill No. 152—An Act creating a lien in favor of persons performing labor and rendering services in behalf of and during the last sickness of a deceased person, and in favor of those incurring expense and performing labor on account of the death and burial of such deceased person.

Bill read first time, and referred to Committee on Judiciary.

By Senator Luchsinger: Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Referred to Committee on Constitutional Amendments.

By Senator Davis: Senate Bill No. 153—An Act to amend Section 189 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Governments.

By Senator Smith of Kern: Senate Bill No. 154—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the Attorney-General for the remainder of the fifty-first fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 155—An Act making an appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 156—An Act to amend Section 1989 of the Code of Civil Procedure of the State of California, relating to the attendance of witnesses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 157—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the compensation and expenses of executors or administrators.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 158—An Act to amend Section 1776 of the Code of Civil Procedure of the State of California, relating to the compensation and expenses of guardians.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 159—An Act to amend Section 3335 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

By Senator Flint: Senate Bill No. 160—An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 162—An Act to amend Sections 1548 and 1552 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 163—An Act to amend Sections 1543 and 1545 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and cities and counties, and providing a clerk and stenographers for county superintendents for cities and counties, and for counties of the first class.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Bill No. 165—An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 166—An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be committed to any penitentiary, prison, jail, house of detention, reform school or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 167—An Act making an appropriation for the erection of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer, and Hon. Dana Perkins, late State Librarian, in the State burial plot at Sacramento.

Bill read first time, and referred to Committee on Finance.

By Senator Lardner: Senate Bill No. 168—An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Bill read first time, and referred to Committee on Prisons.

Also: Senate Bill No. 169—An Act to add a new section to the Political Code, to be known as Section 1523, relating to the compilation of text-books for use in the common schools of the State.

Bill read first time, and referred to Committee on Education.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Simpson, the following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on

this day passed, as a case of urgency, Assembly Bill No. 3—An Act entitled an Act to provide for the rebuilding, repairing, equipping, and furnishing the Refectory Building of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

CLIO LLOYD, Chief Clerk.
By JAMES M. OLIVER, Assistant.

Assembly Bill No. 3—An Act entitled an Act to provide for the rebuilding, repairing, equipping, and furnishing the Refectory Building of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Reformatories.

ADJOURNMENT.

At eleven o'clock and thirty-five minutes A. M., on motion of Senator Leavitt, the Senate adjourned until eleven o'clock and thirty minutes A. M. of Monday, January 14, 1901.

REPORT OF COMMITTEE ON INVESTIGATION OF THE STATE PRINTING OFFICE.

SACRAMENTO, CAL., January, 1901.

To the Senate of the State of California:

GENTLEMEN: On the 10th day of February, 1900, the Senate of the State of California, in extra session assembled, by its resolution duly passed on said day, provided for the appointment of a committee composed of three hold-over Senators, whose duty it should be to make a thorough examination and investigation of the State Printing Office, and to report at the next regular session of the Legislature the condition and manner of conducting the same and the expense of State printing. The undersigned, your committee, appointed by virtue of said resolution, having made the investigation required thereby, beg leave to submit the following as their report:

The office of Superintendent of State Printing was created, and the State Printing Office established, by an Act of the Legislature passed in 1872, which took effect upon July 1, 1875 (Statutes 1872, page -). The office of State Printer was originally an appointive one, but in 1891 the statute was so amended that it became elective. The present State Printer, A. J. Johnston, was appointed to the office by Hon. H. H. Markham in 1891. In 1894 he was elected, and re-elected in 1898. Prior to July 1, 1875, when the statute creating the State Printing Office went into effect, all State printing was done, under the direction of the State Printer, by contracts let for the work. This system was abolished in 1875, since which time all State printing has been done in the State office.

The cost to the State under the contract system, we find to have been from 150 to 600 per cent in advance of the cost under the present system. As will be seen from the tables herewith presented, and from the deductions of your committee to be found at the close of this report, the expense to the State of its printing under the present system can be still further very materially reduced. In the year 1899 the separate appropriations made by the Legislature in the different departments of the State amounted in the aggregate to the sum of \$125,852.50. This amount includes the printing expense of the extra session of 1900. Of this amount \$51,900.80 was used during the fifty-first fiscal year, leaving a balance available for use during the fifty-second fiscal year of \$73,951.70.

The limited appropriation made by the last Legislature for its maintenance had the effect, doubtless, of holding back the considerable quantity of the work heretofore done for the various officers, departments, and commissions of the State government. In addition to the amount of the appropriation for the fifty-first fiscal year, several of the State departments have paid in cash to the State Printing Office for work there done various amounts, aggregating the sum of \$5,387.90, which amount was received from the funds of the departments paying the same, and was not included in the appropriation of the Legislature for public printing.

The recent change in the manner of making appropriations, from that of making them to the State Printing Fund direct, to that of appropriating a fixed amount for each department, commission, and institution of the State government, has been a very beneficial one, and has resulted in a saving to the State of one half the former cost of printing, by reason of the fact that when officials and departments have a fixed amount within which their requisitions for State printing must be confined, the amount of printing ordered is materially reduced. Under the present system it is necessary for officials and heads of departments to economize in their printing supplies and to guard against the extravagances that were prevalent previous to the inauguration of the present mode; otherwise, if an institution or department exhausts its appropriation during its fiscal year, it must do without printing material until the Legislature makes a new appropriation. The danger of such a consequence results in a very commendable

watchfulness upon the part of officials lest their printing fund should be depleted before the provision of another by the Legislature.

The following is a tabulated result of the investigation of your committee into the expense of conducting the various departments of the State Printing Office:

OFFICE OF THE SUPERINTENDENT OF STATE PRINTING.

The main business office of the Superintendent of State Printing is in the Capitol Building, and apart from the State Printing Office.

The force consists of:

	Salary.
Superintendent of State Printing.....	\$3,000 00
Deputy	2,400 00
Clerk	1,600 00
Assistant Clerk.....	900 00
Messenger	1,200 00

During sessions of the Legislature this force is increased by one additional assistant clerk and one or two messengers.

All bills for supplies and materials are presented here; and all orders for printing, binding, etc., are first examined by the Superintendent of State Printing or his deputy before they are filled. All printing, when finished, is distributed from this office and a receipt taken for each job of work. Here the correspondence of the office and all business matters are attended to.

STATE PRINTING OFFICE.

Composing Room.

The force employed in this department consists of:

	Per Day.
General Foreman	\$7 50
Foreman of Book Room	6 00
Foreman of Job Room	6 00
Proofreader	6 00
Copyholders	4 50
And such compositors and stone men as are necessary at	4 50
Porter	3 50

Bindery.

There are employed in the Bindery:

	Per Day.
Foreman	\$6 00
Head Finisher.....	4 50
Finishers	4 00
Head Forwarder	4 50
Forwarders, Binders, and Rulers.....	4 00
Forelady of the folding, sewing, stitching and collating department	4 00
Perforators, Collators, etc.....	1 66 $\frac{2}{3}$

Press Room.

	Per Day.
Foreman	\$6 00
Pressmen.....	4 00
Porter	3 50

Miscellaneous.

	Per Day.
Engineer	\$4 50
Electrotypers.....	4 50
Machinist	4 50
Timekeeper	5 00
Bookkeeper	5 00
Assistant Bookkeeper	3 50
Carpenters	3 50

COMPOSITION.

From observation and information procured from operators on the Mergenthaler Linotype, the following facts and figures are presented:

The linotype performs the work of distribution by means of melting the metal, which is again used for new type, and at no cost except the fire for heating, which is much more than offset by the loss by compositors when distribution is performed by hand. When distribution is made by compositors, or when men are paid by "piece," the linotype will do the average work of four compositors. If distribution is not considered, the work of this machine equals that of from six to seven men, where men are employed by the day, as is the case in the State Printing Office.

There is to be considered the wastage by dross and waste metal, which will amount to 750 pounds per year to each machine, at an approximate cost of 25 cents per day for each machine, or 5 cents per day for the work that would be done by one compositor.

The "wear and tear" on each machine is figured at \$50 per annum, or 15 cents per day, and the life of each machine is from ten to fifteen years, and the cost of same is \$3,375 each.

Gas, gasoline, or oil is used for metal melting, and costs about 35 cents per day.

The following table shows the comparative cost of the same class of work done by the linotype and as done by the State Printing Office:

Cost of One Day's Work of Linotype.

1 man.....	\$5 00
Gas.....	35
Waste.....	05
Wear and tear.....	15

\$5 55 cost for setting 35,000
ems, or 21¼ pages.

	Machine Cost.	State Printing Office Cost.
The cost per page, composition.....	\$0 25	\$1 50
Proofreading.....	25	25
Make-up and unlocking.....	15	15
Distribution.....	—	45
Non-producing element.....	15	—
Total cost of composition.....	\$0 80	\$2 35
Press work.....	20	25
Paper and stock.....	25	25
Handling and non-productive.....	12	—
	\$1 37	—
Bindery, stitching, etc.	10	25
	\$1 47	\$2 79
	10	10
Total cost of printing legislative bill, figured on average of 10 pages to bill.....	\$14 70	\$27 90

\$1.32 per page, or difference in favor of machine, on 10-page bill, of \$13.20.

The amount paid for composition only, at the State Printing Office, from July 1, 1895, to June 30, 1900, or for the last five fiscal years (at \$4.50 per day), was \$168,347.99. The cost of this same composition, if done at the rates paid by private printing firms, or \$3.00 per day, would be \$112,231.99, which would be a saving to the State of an average of \$11,223 per year for composition.

Using the figures shown herein, as a basis for calculating the cost of the same work, if done by machine, there would be an additional saving of \$12,158.76 per year, or a total saving per year of \$23,381.76 in composition alone.

To show the difference in hand composition in the State Printing Office, as compared with machine composition, let us take Senate Bill No. 136, the County Government Bill of 1899. The first cost of printing 500 copies of that bill of 150 pages in length, was \$425.50. The bill was printed, copies of which were sent to the Legislature, referred to the committees and debated, for from two to five weeks. In the interim, other bills came crowding in and it was absolutely necessary to use the type that was used in the composition of Senate Bill No. 136, and it was "thrown in" or distributed. Amendments were offered and it was sent to the printer as amended. It cost, at that time, \$466 to reset that bill, being 14 pages longer than it was in the first instance. It was again debated and amended, and while being debated and amended the type was absolutely necessary in the composition of other matters and was again thrown in. It came back to be printed a third time and had to be set up over again, from its very commencement. It was set up four times. Then it went to engrossment and then to enrollment, and again set up each time. Finally, it was printed in chapters, and cost, as a whole, \$2,777.

Under the machine system the bill would be set up on the machine, the cost of metal being so slight that any amount of it could be kept on hand, and this bill would be laid away on galleys and kept in a condition to be corrected, and, at a cost of from 25 to 50 per cent, could be again put in shape for printing for the second, third, or subsequent amendments.

In other words, we desire to call the attention of the Senate to that particular department of composition known as "standing type." Metal used in machines can be purchased at a very nominal figure, and an immense amount could be kept on hand, so that it would be entirely unnecessary to melt that metal for use of other bills. The difference would be at least 75 per cent in favor of machine composition. Other bills are not so large, but yet have to be reprinted and reset at every amendment, because it is impossible to keep from two to three thousand different bills, ranging from 1 to 150 pages in length, standing in a printing office, such as the State of California should have.

Referring to this one item of what is an expense incurred by the Legislature, and is made a charge against the State Printer, we append herewith a statement showing the

Cost of Senate Bill No. 136—"County Government Bill of 1899."

	Copies.	Pages.	Price.
First printing	500	150	\$425 50
Second printing	500	164	466 00
Third printing	1,000	164	509 00
Fourth printing	1,000	178	553 25
Engrossing	35	164	420 00
Enrolling	100	139	220 50
Chapters	500	136	182 75
Total			\$2,777 00

Comparative Table showing Prices Charged for State Printing when Done by Contract and Cost for work of like character at the State Printing Office in 1893 and 1899.

Character of Work.	No. Copies (Old Method).	No. Copies (New Method)	No. of Pages.	Con-tractor's Price.	Price Charged by State Printing Office in 1893.	Price Charged in 1899
Assembly Bill	240	500	1	\$6 86	\$4 00	\$3 04
Assembly Bill	240	500	2	10 21	6 75	5 40
Senate Bill	240	500	3	17 08	11 50	8 55
Assembly Bill	240	500	4	20 44	14 00	11 30
Assembly Bill	240	500	7	35 61	23 50	20 20
Assembly Bill	240	500	8	40 07	25 50	22 55
Assembly Bill	240	500	10	48 08	36 50	28 20
Assembly Bill	240	500	11	52 74	39 50	31 50
Assembly Bill	240	500	12	55 60	41 50	34 00
Assembly Bill	240	500	13	62 76	45 50	37 10
Assembly Bill	240	500	15	70 78	50 50	42 80
Assembly Bill	240	500	21	129 18*	70 50	63 33
Senate Bill	240	500	25	133 35	80 50	69 55
Totals	3,120	6,500		\$682 76	\$449 75	\$377 50

This table shows the cost of printing legislative bills during the session of 1899 to have been 55 per cent of what the same work cost the State when done by contract. It also shows that the cost of printing this class of work has been reduced about 18 per cent since 1893.

Senate and Assembly Files.

Character of Work.	No. Copies (Old Method).	No. Copies (New Method)	No. Pages.	Contractors Price	Price Charged in 1893	Price Charged in 1899
Senate General File	240	500	1	\$13 30	\$6 65	\$3 05
Senate General File	240	500	2	23 00	12 00	5 65
Assembly General File	240	500	3	36 39	19 50	7 30
Senate General File	240	500	4	46 19	24 00	6 35
Assembly General File	240	500	5	58 39	33 50	8 00
Assembly General File	240	500	6	68 18	38 50	10 35
Totals				\$245 54	\$134 15	\$40 70

From this table it appears that the printing of legislative files cost 600 per cent more when done by contract than as done by the State Printing Office in 1899.

It is also shown that the cost of printing this class of work has been reduced 70 per cent since 1893.

This is to be accounted for by the diligence displayed in requiring more work during office hours from the employes, and by the reduction of expenses attached to the office.

Miscellaneous Work.

Character of Work.	No. of Copies	Price charged by Contractor	Price charged by State Printer in 1898	Price charged by State Printer in 1899
Journal, Controller	1	\$58 00	\$18 05	\$15 65
Envelopes, Surveyor-General	2,000	28 00	8 35	19 50
Letterheads, Controller	3,000	39 00	12 00	10 75
Commissions, Executive Department	250	34 00	20 44	15 50
Receipt Book, Clerk of Assembly	1	15 50	5 15	3 25
Book of Pardons, Governor	1	44 50	31 20	21 30
Senate Bill Covers	500	19 50	4 00	9 60
Assembly Roll Calls	720	14 50	7 25	4 40
Totals		\$252 00	\$106 44	\$99 95

This character of work shows a difference in favor of the State Printing Office, when compared with the prices paid formerly to contractors. The cost as paid to contractors was 150 per cent more than is now paid for the same work, as done by the State Printing Office.

Table showing the Prices Charged by State Printer as Compared with "Employing Printers' Association" of California.

Order No.		State Printing Office.	E. P. Ass'n.
1488	3,000 Letterheads	\$9 25	\$12 35
1824	1,000 Letterheads	6 00	5 75
875	1 300-page Stock Book	18 75	16 40
1334	200 Articles of Incorporation	12 75	10 50
1490	1 500-page Daily Journal	14 25	12 80
198	10,000 Public School Registers	2,493 00	2,200 00
1105	400 Letter Circulars	8 00	6 75
1470	500 enrolled Applications for Life Diploma	4 50	
	Letterheads, 5,000	25 00	19 80
	Briefs, 25 pp; per page, \$1 25	31 25	22 50
	Envelopes, No. 6 XXX, per M	3 10	4 50

The amount of the cost of work done by the State Printer for the different departments for each fiscal year, since July 1, 1890, is set forth in the following table:

1890	\$103,199 60
1891	93,499 65
1892	83,235 70
1893	82,834 55
1894	71,383 40
1895	92,752 25
1896	86,616 00
1897	99,301 00
1898	
1899	48,361 15

of which the lithographing amounted to \$6,863 85.

The following departments and commissions have incomes from other sources than State appropriation, and, in the opinion of your committee, all such commissions should pay to the State Printing Fund out of their receipts for work done for them.

The following table shows the amount of their printing for 1899:

Bank Commissioners	\$2,000 00
Golden Gate Park Commissioners	
Insurance Commissioner	647 75
University of California	5,165 80
Harbor Commission, San Francisco	1,745 25
Building and Loan Commission	991 50
State Library	2,775 00

TABLE No. 1—Showing Amount of Appropriations of 1899, and Amount Expended During Fifty-first Fiscal Year, and Balance Remaining for Fifty-second Fiscal Year.

	Appropriation.	Amount Expended 51st Fiscal Year.	Amount Carried to 52d Fiscal Year.	Cash Receipts.
Adjutant-General.....	\$3,150 00	\$991 50	\$2,158 50	
Attorney-General.....	4,000 00	2,000 00	2,000 00	
Bank Commissioners.....	4,000 00	2,000 00	2,000 00	
Board of Examiners.....	912 50	250 15	662 35	
Board of Horticulture.....	5,000 00	2,500 00	2,500 00	
Board of Health.....	2,100 00	324 50	1,775 50	
Board of Equalization.....	1,050 00	378 25	671 75	
Board of Dental Examiners.....	350 00	25 25	324 75	
Board of Pharmacy.....	140 00	70 00	70 00	
Building and Loan Commissioners.....	2,000 00	991 50	1,008 50	
Capitol Commissioners.....	35 00		35 00	
Code Commissioners.....	5,000 00	35 50	4,964 50	
Controller.....	3,500 00	1,737 10	1,762 90	
Commissioner Public Works.....	560 00	59 00	501 00	
Dairy Bureau.....	400 00	167 65	232 35	
Department of Highways.....	1,400 00	430 65	969 35	
Débris Commissioner.....	140 00		140 00	
Deaf, Dumb, and Blind Asylum.....	280 00	19 00	261 00	
Executive Department.....	2,000 00	179 00	1,821 00	
Fish Commissioners.....	700 00	218 75	481 25	
Guardian Marshall Monument.....	17 50		17 50	
Guardian Sutter's Fort.....	17 50	8 75	8 75	
Home Adult Blind.....	350 00	170 10	179 90	
Home Feeble-Minded Children.....	700 00	350 00	350 00	
Harbor Commissioners—San Francisco.....	3,500 00	1,745 25	1,754 75	
Harbor Commissioners—San Diego.....	200 00	23 25	176 75	
Insurance Commissioner.....	1,500 00	637 75	862 25	
Labor Commissioner.....	1,750 00	89 25	1,660 75	
Lunacy Commissioners.....	350 00	175 00	175 00	
Legislature.....	5,000 00	367 00	4,633 00	
Mining Bureau.....	7,000 00	1,388 50	5,611 50	
Chico Normal School.....	560 00	280 00	280 00	
Los Angeles Normal School.....	840 00	420 00	420 00	
San José Normal School.....	1,400 00	700 00	700 00	
San Diego Normal School.....	490 00	189 00	301 00	
Preston School of Industry.....	400 00	200 00	200 00	
Pilot Commissioners.....	35 00	17 50	17 50	
Prison Directors.....	840 00	400 35	439 65	
Railroad Commissioners.....	4,200 00	1,478 75	2,721 25	
State Agricultural Society.....	7,000 00	3,500 00	3,500 00	
State Library.....	5,550 00	2,775 00	2,775 00	
Folsom Prison.....	1,400 00	700 00	700 00	
San Quentin Prison.....	1,400 00	700 00	700 00	
Stockton Hospital.....	700 00	350 00	350 00	
Napa Hospital.....	700 00	350 00	350 00	
Agnews Hospital.....	700 00	350 00	350 00	
Southern California Hospital.....	500 00	250 00	250 00	
Mendocino Hospital.....	490 00	245 00	245 00	
State Board of Education.....	35 00	15 25	19 75	
State Mineral Cabinet.....	35 00		35 00	
State University.....	10,500 00	5,165 80	5,334 20	
State Treasurer.....	700 00	350 00	350 00	
Secretary of State.....	9,000 00	4,272 35	4,727 65	
Secretary of State—Amendments.....	1,200 00		1,200 00	
Superintendent of Public Instruction.....	10,000 00	5,000 00	5,000 00	
Superintendent of State Printing.....	700 00	317 05	382 95	
Supreme Court.....	3,500 00	1,750 00	1,750 00	
Surveyor-General.....	700 00	350 00	350 00	
Whittier State School.....	400 00	200 00	200 00	

TABLE No. 1—Continued.

	Appropriation.	Amount expended 51st Fiscal Year.	Amount carried over to 52d Fiscal Year.	Cash Receipts.
Yosemite Valley Commissioners.....	\$175 00	\$69 50	\$105 50	.....
Veterinary Medical Board.....	100 00	31 50	68 50	.....
Board of Trustees, State Library.....	.....	.....	.....	\$3,120 70
Supreme Court Library.....	.....	.....	.....	733 80
Harbor Commissioners.....	.....	.....	.....	138 50
San Quentin Prison.....	.....	.....	.....	660 65
Preston School of Industry.....	.....	.....	.....	222 75
Stockton Hospital.....	.....	.....	.....	46 00
Napa Hospital.....	.....	.....	.....	46 00
Agnews Hospital.....	.....	.....	.....	46 00
Mendocino Hospital.....	.....	.....	.....	46 00
Southern California Hospital.....	.....	.....	.....	46 00
Home for Feeble-Minded Children.....	.....	.....	.....	218 25
W. H. Murray.....	.....	.....	.....	2 00
James A. Jasper.....	.....	.....	.....	6 00
John F. Uhlhorn.....	.....	.....	.....	1 00
J. B. Mhoon and Osgood Putnam.....	.....	.....	.....	4 25
Extra session Thirty-third Legislature (special appropriation).....	4,500 00	4,141 10	358 90	.....
Totals.....	\$125,852 50	\$51,900 80	\$73,951 70	\$5,337 90

Less than one half of the amount appropriated was paid for printing during the fifty-first fiscal year. The amount of the appropriation for printing for the several departments for that year was \$60,776.25. The average cost per year for printing, binding, and work done by the State Printer from 1890 to 1897, inclusive, was \$89,128, showing a saving in the fifty-first fiscal year of \$28,352.

By reason of the plan adopted by the last Legislature in providing that each department pay from its own fund for its printing, the full amount appropriated for the fifty-first fiscal year has not been used; the total work charged for by the State Printer being \$51,900.80, or \$11,025.45 less than the appropriation. It must be borne in mind, however, that the biennial reports have not been issued, but will be charged as printing done during the fifty-second fiscal year.

TABLE No. 2—Showing How Appropriations for State Printing were Apportioned Previous to July 1, 1899.

	1893-1894, 45th Fiscal Year.	1894-1895, 46th Fiscal Year.	1895-1896, 47th Fiscal Year.	1896-1897, 48th Fiscal Year.	1897-1898, 49th Fiscal Year.	1898-1899, 50th Fiscal Year.
Appropriations.....	\$250,000 00	\$50,000 00	\$250,000 00	\$82,500 00	Nothing.	\$125,000 00
Expenditures:						
Wages.....	\$83,746 40	\$130,798 85	\$100,898 15	\$150,342 80	\$4,930 65	\$86,234 93
Supplies.....	42,109 92	29,965 81	33,103 56	32,983 72	.....	26,610 44
Permanent material.....	9,243 60	872 60	6,950 32	2,480 16	.....	7,634 68
Repairs, etc.....	2,029 75	732 87	5,048 56	690 92	.....	491 18
Total.....	\$137,119 67	\$162,370 18	\$146,000 59	\$186,497 60	\$4,930 65	\$120,971 23
Apportionment:						
Departments and institutions.....	\$96,147 37	\$92,752 25	\$93,007 40	\$99,291 02	.....	\$28,838 96
Legislative.....	.....	69,617 88	7,890 75	87,512 16	.....	81,309 96

TABLE No. 3.—Printing for Departments and Institutions for Fiscal Years ending June 30, from 1890-97.

	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	Yearly Average.	1899.
Adjutant-General.....	\$8,249 20	\$9,930 60	\$1,614 95	\$2,702 70	\$1,774 35	\$2,796 30	\$2,023 00	\$3,268 00	\$4,117 38	\$991 50
Lithographing.....	1,432 75	1,651 30	2,241 00	2,653 70	1,814 45	3,049 70	2,440 50	4,685 70	2,502 28	2,000 00
Lithographing.....	4,855 15	4,292 00	5,409 15	4,874 15	4,576 80	5,046 50	3,704 95	3,014 95	4,471 70	2,000 00
Bank Commissioners.....	106 50	1,627 75	767 30	837 40	301 65	1,273 45	815 85	1,358 40	886 03	378 25
Board of Equalization.....	328 50	1,220 40	715 65	583 65	563 15	1,273 45	269 35	644 85	645 18	250 15
Board of Health.....	918 50	1,893 95	588 65	2,079 15	1,351 05	3,002 00	1,291 90	2,103 85	1,653 03	324 50
Board of Horticulture.....	8,481 00	6,562 20	9,379 50	9,166 00	5,453 50	4,118 05	1,351 70	4,177 15	6,086 13	2,500 00
Board of Viticulture.....	63 75	3,225 95	2,764 20	3,385 60	1,066 10	2,940 90	43 85	---	1,691 29	---
Board of Agriculture.....	13,883 75	7,467 30	9,612 65	7,758 10	7,219 05	2,809 45	8,343 20	4,569 25	7,740 58	3,500 00
Lithographing.....	---	---	---	---	---	---	125 00	137 50	---	---
Board of Forestry.....	220 45	1,014 75	51 80	410 05	---	---	---	---	424 36	---
Board of Dental Examiners.....	126 50	165 00	193 25	147 05	---	---	---	379 15	232 10	25 25
Capitol Commissioners.....	4 00	---	---	66 10	5 70	30 50	33 90	40 20	30 06	---
Irrigation Commissioners.....	11 50	---	---	---	---	---	---	---	---	---
Golden Gate Park Commissioners.....	35 25	485 00	171 50	138 55	---	46 45	586 85	193 15	236 68	---
Executive Department.....	854 85	1,140 00	543 30	806 05	568 85	1,541 60	519 00	3,130 00	1,249 09	179 00
Lithographing.....	---	---	---	---	---	---	---	---	---	---
Fish Commissioners.....	207 40	514 85	211 25	373 05	980 40	925 45	500 85	952 65	583 17	218 75
Home for Adult Blind.....	369 95	259 40	414 75	274 65	322 15	344 55	314 00	294 70	324 27	170 10
Home for Feeble-Minded Children.....	1,470 15	875 05	919 85	609 55	707 30	861 20	1,124 45	782 55	918 76	350 00
Insurance Commissioner.....	1,178 50	460 80	2,239 80	1,272 60	1,183 30	356 90	1,902 80	416 40	1,144 57	647 75
Lithographing.....	---	---	---	---	---	---	120 50	25 00	---	---
Insane Asylum—Napa.....	204 95	654 15	604 70	619 15	393 70	450 60	284 30	541 80	469 17	350 00
Insane Asylum—Stockton.....	316 95	755 75	728 50	672 20	387 70	514 35	189 70	445 00	501 27	350 00
Insane Asylum—Agnews.....	419 00	725 30	374 10	514 60	469 30	574 30	325 00	47 00	486 07	350 00
Institution for Deaf, Dumb, and Blind.....	50 00	289 50	---	226 50	215 30	365 35	91 80	287 70	209 45	19 00
Pilot Commissioners.....	31 75	106 00	16 75	11 00	24 20	43 00	123 35	1 30	44 67	17 50
Railroad Commissioners.....	1,914 50	935 90	2,450 00	3,213 90	54 45	2,462 10	6,571 00	4,763 20	2,910 80	1,478 75
Lithographing.....	---	---	---	---	---	---	---	921 40	---	---
Secretary of State.....	2,304 15	2,063 00	6,132 75	3,002 50	7,549 80	6,869 15	9,309 60	3,938 45	5,362 30	4,272 35
Lithographing.....	---	---	---	---	---	---	---	285 00	---	---
State Controller.....	926 75	2,366 25	1,758 60	3,298 45	2,019 75	3,011 70	2,170 35	3,226 35	2,423 32	1,737 10
Lithographing.....	---	---	---	---	---	---	---	50 00	---	---
State Treasurer.....	473 00	538 45	282 30	370 85	390 30	627 30	435 65	808 05	497 00	350 00
Lithographing.....	---	---	---	---	---	---	---	50 00	---	---
State Librarian.....	10,729 55	3,390 35	5,983 45	1,014 20	5,560 70	1,446 25	1,811 20	3,558 90	4,190 95	2,775 00
Lithographing.....	---	---	---	---	---	---	33 00	---	---	---

TABLE No. 3- Continued.

	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	Yearly Average	1899.
State Engineer	\$72 35	\$5 50								
State Mineralogist	5,440 00	10,584 40	\$927 75	\$670 55	\$7,077 20	\$7,487 40	\$3,314 40	\$11,569 05	\$6,275 72	\$1,388 50
Lithographing							435 00			
State Normal School—San José	2,838 30	985 75	913 50	911 75	764 80	914 85	481 35	839 15	1,078 68	700 00
State Normal School—Chicago	499 00	408 10	541 35	411 95	407 55	393 50	437 80	114 10	401 97	280 00
State Normal School—Los Angeles	221 00	612 30	259 55	343 75	776 30	782 20	1,049 15	335 45	553 71	420 00
State Board of Prison Directors	1,471 00	645 25	526 00	411 20	64 65	689 25	293 10	814 50	618 12	400 35
Lithographing							20 00	10 00		
State Prison—San Quentin	5,825 00	3,560 75	1,460 00	407 50	1,365 10	839 25	1,098 95	926 95	1,048 56	700 00
Lithographing							70 00	35 00		
State Prison—Folsom	1,203 25	1,162 85	1,129 35	387 15	1,469 30	840 10	778 60	534 85	890 00	700 00
Lithographing							14 50			
Surveyor-General	365 00	737 30	929 95	440 90	487 65	391 15	491 20	590 75	554 23	350 00
Superintendent Public Instruction	10,133 95	7,574 00	5,622 00	12,979 25	1,483 90	4,410 60	6,494 55	4,739 00	6,767 78	5,000 00
Lithographing							375 00	339 00		
Superintendent State Printing	156 25	357 90	313 30	348 60	269 40	762 10	532 75	873 35	457 95	317 05
Clerk Supreme Court	2,154 50	2,596 30	3,096 35	2,033 55	2,555 25	2,021 00	2,133 10	1,765 30	2,351 17	1,750 00
Lithographing							449 00	45 00		
Preston School of Industry	3 50	130 75		29 40	955 45	848 15	573 65	760 30	475 17	200 00
Lithographing								25 00		
Trustees State Mineral Cabinet	17 00	28 25		36 70		35 40		44 10	32 29	
University of California	12,459 25	5,282 15	6,634 75	7,325 80	4,151 60	12,199 25	13,386 55	9,172 45	8,827 10	5,165 80
Whittier State School	94 50	370 25	1,405 35	629 50	861 90	470 30	224 00	504 85	570 15	200 00
Yosemite Valley Commissioners	47 50	169 75	42 15	150 20	30 95	244 05	44 10	279 25	126 00	69 50
Bureau of Labor Statistics		1,753 10	541 85	2,686 45	48 60		809 05	1,962 05	1,305 16	89 25
Harbor Commissioners—San Francisco										1,745 25
Commission on Rivers and Harbors		918 25	2,901 00	906 15	1,436 20	221 60		284 90	1,121 35	
Harbor Commissioners—San Diego		895 60								
Marshall Monument		88 80		25 60		43 10		27 75	46 31	23 25
Insane Asylum—Mendocino		31 40				20 30			25 85	
Insane Asylum—Southern California			92 20	49 95	909 90	291 65	293 25	360 25	332 87	238 95
Park Commissioners, Los Angeles				15 40	865 05	466 25	235 25	482 10	113 01	250 00
State Board of Pharmacy				64 80						
State Board of Arbitration				152 95		255 35		234 05	214 11	70 00
Sutter's Fort Trustees				29 75		19 55			24 65	
Veterans' Home Association				9 70					8 75	
Building and Loan Association				85 45						
					119 00	3,238 45	1,590 10	3,070 20	1,981 94	991 50

PAYING EMPLOYÉS.

A timekeeper is employed, who daily notes the time of the various employés, as handed to him each morning from the head of each department.

The work to be paid for from separate funds, viz: State Printing, School Book, University, and Legislative, is shown by different payrolls and charged to the respective funds. Monthly these payrolls are submitted to the State Printer, who, after certifying, under oath, to their correctness, files them with the State Board of Examiners. The amounts are passed upon by this Board, and the payrolls are then filed with the State Controller, who draws a warrant for the amount due, and in favor of each person whose name appears thereon.

In all cases of employés who are paid by the day, the timekeeper, under authority of a "power of attorney" signed by these employés, receives all warrants and draws all money due them, and, after deducting any amounts that may have been advanced by parties not connected with the State Printing Office, pays the balance due each employé, to him or his representative. Where money has not been borrowed by an employé, on account of his wages, there is, of course, no deduction to be made. This arrangement is one made by the employés with the timekeeper, for which the State Printer is in no way responsible, but permits it as the wish of the employés. Upon inquiry made of several persons working at the office, we find that they are fully satisfied with this mode of receiving their wages, and they consider the plan as conducive to their advantage and convenience.

Heretofore it has not been customary for employés to sign a receipt or payroll when paid, but, on the recommendation of your committee, a book has been prepared that will show the signatures of all persons who receive their pay in cash from the timekeeper. This book began with the fiscal year July 1, 1900.

Previous to July 1, 1899, all employés were paid at the end of each two weeks, since which time, however, owing to separate appropriations having been made for each State officer and institution, pay day occurs once a month, and then on no regular date, as bills are not audited by the various officers and institutions for whom the work was done, promptly on the first of the month.

NON-PRODUCING ELEMENT.

There enters into the cost of conducting the various departments of the office, a certain class of labor that is not directly that of the printers; such as the service of foremen, clerks, proofreaders, stonemen, bookkeepers, drivers, porters, etc. There is also fuel, light, insurance, care of horse, repairs, etc., to be considered in the cost of all work turned out.

It has been customary (and the adopted plan is still in use) to charge an additional percentage, over and above the actual cost of the labor directly employed on the work, and of the stock, upon each job of work. This percentage is intended to cover the cost of the "non-producing element," and it varies in accordance with the amount of indirect labor employed, and is from 10 to 45 per cent additional.

In the opinion of your committee, the system of charging for the "non-producing element" is not a proper one, as the percentage charged on each lot of work is arbitrary, and is not, in all instances, correct.

We would suggest, as a proper manner of ascertaining the percentage to be charged on jobs of work for the "non-producing element," the following plan: Add together the daily wages, the daily amount of water, light, power, etc., used, and divide this by the number of hours worked, to obtain the cost per hour, each day, of the "non-producing element." If the foreman received \$6 per day, the assistant \$5, other employés \$50, incidentals daily, \$14—the total expense per day (8 hours per day) would be \$75, or, per hour, \$9.33. A time card, following each job of work as it progresses through departments, would show the time spent on the work. If a job requires ten hours' labor in composing room, bindery, and press room, and there are fifty people employed in the different departments on that day (or 400 hours of one person), the cost of each hour's work of the "non-producing element" would be one four hundredths of \$75, or 18½ cents for each hour's work, which is the proper amount to be added to the cost of composition, binding, press work, stock, and ink.

If these costs are considered daily for a full previous fiscal year, the average percentage is easily ascertained, which should be the ruling percentage to charge on all printing and binding done by the office.

The charges made by the foreman are seemingly excessive for work done on school books (as well as other work) in the matter of "press use"—\$5 per day. Several other items of a like character are set out in the schedule, marked "Rates for fixing prices." These items and the item of charging for "non-producing element" by composing room, press room, and bindery, should not be added to the cost of work when the foreman makes a charge of from 10 to 45 per cent to cover incidental expenses, including his salary and that of others who are embraced in the "non-producing element."

Table showing the Cost for Labor on certain days from 1895 to 1900, and being the highest and lowest payrolls during that time.

	Non- Producers.	Producers.
Feb. 21, 1895—Legislature	\$215 50	\$885 55
Nov. 12, 1895.....	136 95	592 15
Aug. 16, 1896.....	132 00	489 15
Feb. 26, 1897—Legislature.....	286 20	988 85
Feb. 10, 1899— "	327 30	1,021 70
May 16, 1900.....	81 10	174 00
Aug. 7, 1900.....	95 50	199 80
	\$1,274 55	\$4,351 20

Average per day, non-producing	\$182 08
Average per day, producing.....	621 60
Percentage of non-producers.....	227
Percentage of producers.....	773

There is a vast difference between the amount paid for labor in the State Printing Office and that paid for labor in the average commercial offices of California. For the purpose of showing exactly what difference does exist, your committee wrote to several printing offices in different portions of the State, requesting a statement of the amount paid labor, and guaranteeing strict confidence. We were gratified to receive full and satisfactory replies, from which have been made the following table of comparative amounts paid each class of labor by the State and by private printing offices:

Table showing Comparison of Price Paid Labor in State Printing Office and in the Average Commercial Office in San Francisco.

	State Printing Office.	Average Commer- cial Office of Cal- ifornia.
General Foreman	\$7 50	\$6 00
Foreman of Book Room.....	6 00	4 00
Machine compositors	—	4 50 and \$5 00
Hand compositors	4 50	3 00
Stone men.....	4 50	3 00
Foreman of Job Room	6 00	4 00
Job compositors.....	4 50	3 00
Proofreaders	6 00	4 00
Copyholders	4 50	2 00
Foreman of bindery.....	6 00	4 00
Head finisher	4 50	4 00
Finishers	4 00	3 50
Head forwarder.....	4 50	4 00
Forwarders.....	4 00	3 00
Binders	4 00	3 00
Rulers	4 00	3 00
Forelady	4 00	3 00
Folders, sewers, pagers, feeders, stitchers, perforators, and collators	2 00	2 00
Foreman of press room	6 00	4 00
Pressmen	4 00	3 00
Porters	3 50	2 00
Engineers	4 50	4 00
Firemen	4 00	3 00
Electrotypers	4 50	4 00
Machinists	4 50	3 50
Timekeeper	6 00	3 00
Bookkeepers	5 00	4 00
Assistant bookkeepers	3 50	2 50
Carpenters	3 50	3 50

COST OF PLANT.

It has been a rule to charge each job of work done, with a certain percentage for the wear and tear of the "plant." This is done in all instances, and to such an extent that the plant has been cleared of its indebtedness $2\frac{3}{4}$ times over.

The practice of making this charge still prevails and forms a small part of the additional cost over and above the actual cost of production.

PURCHASE OF MATERIAL.

Estimates are advertised and bids solicited for all paper, inks, and other supplies used by the State Printing Office. The bids, when received, are opened by the State Board of Examiners, acting in conjunction with the Superintendent of State Printing, and the contracts for furnishing the different articles are awarded to the lowest bidder. The amount of these bids, together with the name of bidders, and other information concerning the awarding of contracts for supplies and material, is set forth in detail in the report of the Superintendent of State Printing for 1900.

We find, on comparing the prices paid for paper, that the State is now supplied by contract with paper at a much less cost than it can be purchased in open market. This is due to the fact of the rise in the market price of paper since the State contract for supplying the same was made.

BINDERY.

The bindery is the most complete and up-to-date department of the State Printing Office, although in order to economize and cheapen the work it is necessary to place therein additional machinery that will facilitate its operation at a less cost than at present.

We submit a list of the machinery now in use:

- 1 46-inch Sheridan self-clamper cutter—power.
- 1 34-inch Donnell hand cutter.
- 1 32-inch Gem cutter—hand.
- 1 Seybold automatic trimmer—power.
- 1 Standard book trimmer.
- 1 17½-inch Sanborn roller backer.
- 1 17½-inch Donnell roller backer.
- 1 29-inch Donnell hand backer.
- 1 17-inch Hickok hand backer.
- 1 34-inch Donnell table shears.
- 1 Hickok book-sawing machine—power.
- 1 Sheridan smasher—power.
- 1 Sheridan combination inking and stamping machine—power.
- 1 Donnell embosser—power.
- 1 Donnell embosser—hand.
- 1 Donnell rotary board cutter—power.
- 1 Peerless perforating machine—power.
- 1 Singer sewing machine—power.
- 1 Hickok numbering machine—power.
- 1 Donnell stamping machine—power.
- 1 Donnell stamping machine, round cornered—hand.
- 1 Thompson wire stitcher—power.
- 1 Success wire stitcher—power.
- 1 54-inch Hickok ruling machine, patent striker—power.
- 1 52-inch Donnell ruling machine, patent striker—power.
- 6 Donnell standing presses.
- 4 Hickok standing presses.
- 1 Donnell hand press.
- 2 sets case rollers—power.
- 3 Donnell gilding presses.

The working force in the bindery is at the present time employed to the best advantage. Women, who are engaged on the different machines, are, upon occasions when there is no work for the machines (such as perforating, stitching, etc.), immediately placed at other regular work, such as collating, folding, sewing, etc., if there is such work to be done. If no work is listed, their wages cease. No time is paid for, unless the employé is actually engaged.

PRESS ROOM.

Following is a list of presses in Press Room, and approximate cost of same:

1 Sanborn steam cutter, 32-inch	\$1,200 00
3 jiggers, 40 x 60	
2 jiggers, 32 x 50	
2 jiggers, 30 x 42	142 00
1 dry press, price not obtainable	
1 calendering machine	2,400 00
1 ¼ Colt's armory platen press, 10 x 15	600 00
2 ½ medium Gordon platen press, 10 x 15, at \$500	1,000 00
1 Pony Campbell, 22 x 27	2,500 00
1 No. 7 Hoe stop cylinder 2 rev., 36 x 51	5,300 00
2 No. 5 Hoe stop cylinder 2 rev., 29 x 42, at \$4,500	9,000 00
1 No. 2½ Cottrell cylinder 2 rev., 25 x 38	3,500 00
2 No. 6 Cottrell cylinder 2 rev., 37 x 52, at \$5,700	11,400 00
2 No. 7 Cottrell front delivery, 38 x 56, at \$6,500	13,000 00

Most of the machinery enumerated above is antiquated and cannot be used to the same advantage as machinery of later patterns, with modern improvements. The presses, during legislative sessions, are taxed to their utmost capacity, and the cost of the production of work is far in advance of what the same work could be done for by an office equipped with presses that have a greater speed, more modern appliances, and require a less amount of labor in their manipulation and care.

LITHOGRAPHING.

Lithographing and "fancy" printing are not usually ordered in large quantities, consequently the cost of the first lot (when the order is for a small lot) is greater than the subsequent lots, because cost of stone is charged.

The office is not equipped for this class of work, and is compelled to have the work done by outside offices.

The electrotyping department is practically "up to date," and with the expenditure of about \$250 can do all the work, in first-class shape, that would naturally come to the office during the next ten years.

The machine shop is in good condition, and repairs are promptly and well done.

ENGINE ROOM.

Power is furnished by the Sacramento Electric, Gas, and Railway Company, at a cost of \$130 per month. The machinery is operated through a Westinghouse-Esda, 3-phase, 500 volts, 50 horse-power motor, which is supplemented with the reserve of a Wheelock automatic cut-off engine and boiler of 40 horse-power capacity. Both engine and motor are in good condition, and in the event of a failure in the supply of current for the motor, the engine and boiler can be placed in almost immediate use.

In addition to the above, there is connected with the engineer's department, one New Era duplex steam pump.

WAREHOUSE.

All binding, printing, or press work done by the Printing Office, is, on its completion, delivered to the warehouse, from whence it is distributed.

School books are also kept in stock there, and all books sold through the Superintendent of Public Instruction are boxed, weighed, and shipped from this department. One wagon is kept busy delivering to trains and boats, to State officials and departments, the work done by the State Printing Office.

SCHOOL BOOKS.

The work of the State Printer may be classified under two divisions, or heads—(a) that of school books, and (b) that of all other work done for State officers and institutions.

The printing, binding, etc., of school books are separately kept, and the cost of the work on each book is charged to it, as the edition progresses, and is completed; a percentage is added for such additional expenses as foreman of the several departments, insurance, repairs, etc. These last mentioned items do not enter into the items of printing and binding, and are not considered by the foreman of the Printing Office in his computation of the cost of producing the edition. The State Printer, however, properly adds these items to the cost of the book; and charges accordingly for them in rendering his statement to the State Board of Education.

This sum total is the amount that the State Board of Education considers as one of the items on which they base the cost of each book. The following is the body of rules adopted by the State Board of Education, which, when put to the test, did not agree with the actual cost of the book, and your committee was compelled to adopt new rules for their own guidance, which will be found following the rules of the State Board of Education.

Rules Adopted by the State Board of Education for Computing Cost of State Text-Books.

1. Divide cost of press work, paper, binding of a given edition by the number of that edition printed.
2. Divide cost of preparing plates, including composition, engraving, and electrotyping, by estimated supply for 12 years.
3. Divide the share of the plant chargeable to a given book by the estimated supply for 12 years.
4. Divide three-fifths cost of compilation and illustration by estimated supply for 4 years.
5. Take the sum of the preceding quotients for the cost.

Rules of Committee for Ascertaining Cost of School Books.

1. Take from book of Superintendent of Public Instruction, cost and estimate of school books, the amount of cost and compilation and cost of plates, etc.; add together. Divide sum so obtained by the actual average annual sales, to procure the cost per book for these items.

2. Then take the cost of each issue from books of State Printer (excepting the first issue) and divide by the number of books printed, to ascertain the cost of printing per book; then to which add the cost of incidental expenses of the Printer on each book, which is shown as handling, warehouse, etc. This is reduced to cost per book and added to other amounts.

3. The sum total of cost for compiling, etc., as shown by books of Superintendent of Public Instruction, added to the cost of printing, and incidental expenses (warehouse, etc.) as shown above, gives the actual cost per book.

4. The cost of last issue is ascertained by dividing the cost of the issue as shown by the State Printer's book by the number of books printed as that issue, to which is added the incidental expense of Printer and cost per book for compiling, electrotype, etc., as shown by books of Superintendent of Public Instruction.

COST OF BOOKS.

In computing the cost of books, the estimate of probable supply, as made by the State Board of Education, is disregarded by this committee; and the actual supply as shown by Warehouse and Printer's books, is taken as a basis to calculate the pro rata of cost of each book. In but few instances are the estimates of the State Board correct as to the actual sales; generally the quantity sold is much less than the estimate, which makes the cost in excess of the price for which the books are sold. In one case, that of the Revised English Grammar, the estimate of supply is less than the actual sales.

The State Board of Education, acting in accordance with the law, annually fix the price for which school books shall be sold during the ensuing year.

The following table shows why the State School Book Fund has a balance of \$117,487.52, instead of an amount that by this time should have paid back to the State the full amount of its original outlay.

Had the full estimate of demand been called for, as calculated by the State Board of Education, the State Text-Book Fund would now have to its credit the amount originally appropriated, less the amount of cost of production. The cause of deficiency in the expected amount of the funds is therefore (1st) miscalculation as to length of time that would be required to dispose of a sufficient number of copies, (2d) miscalculation in the cost of production; (3d) that a sum amounting to \$83,660, as shown by a statement referred to herein, has been diverted from the School Book Fund, for the purpose of compiling and revision.

The State Board of Education has, however, overestimated the sale of school books annually to the following extent:

	Board's Estimate	Actual Annual Sale.	Overesti- mate.	Cost Value.
Civil Government	\$12,500	\$5,248	\$7,252	\$3,335 92
Physiology	10,000	8,405	1,595	787 50
United States History	15,000	9,082	5,918	4,142 60
Elementary Grammar	30,000	15,042	14,958	3,739 50
Speller	34,000	19,055	14,945	3,736 25
Revised Fourth Reader	25,000	21,641	3,359	1,780 27
Revised Third Reader	30,000	24,647	5,353	2,355 32
Revised Second Reader	26,200	22,621	3,629	1,016 12
Revised First Reader	40,625	36,203	4,422	807 52
Advanced Geography	20,000	14,810	5,190	5,293 80
Elementary Geography	30,000	19,183	10,817	5,408 50
Advanced Arithmetic	35,000	15,666	19,334	8,120 28
Primary Number Lessons	55,000	14,798	40,202	8,040 40
Elementary Lessons				
			\$136,974	\$48,563 98

In other words, they have overestimated the sale of school books annually to the extent of \$48,563.98, or during the estimated life of a book, to wit: 8 years, \$398,511.84.

Summary of Books Sold Since 1892.

Showing that the books sold amounted to but 37% per cent of the estimate of the State Board of Education, which goes toward making the deficiency in the quantity in the School Book Fund.

Book.	Basis.	Estimated Supply.	Actual Sales.
Civil Government.....	7 years	87,500	36,739
Physiology.....	8 years	80,600	67,239
United States History.....	11 years	165,000	99,905
English Grammar.....	3 years	54,000	81,271
Lessons in Language.....	8 years	240,000	120,333
Speller.....	8 years	272,000	152,445
Revised Fourth Reader.....	4 years	100,000	86,566
Revised Third Reader.....	4 years	120,000	98,589
Revised Second Reader.....	5 years	131,250	113,105
Revised First Reader.....	5 years	203,125	181,016
Advanced Geography.....	6 years	120,000	88,864
Elementary Geography.....	9 years	270,000	175,647
Arithmetic.....	8 years	280,000	125,334
Primary Number Lessons.....	8 years	440,000	118,344

The Board of Education has charged as the cost of the several books issued a percentage of the "cost of the plant," which is fixed at \$36,500, and which is pro rated as follows:

Old First Reader.....	10%	Grammar.....	5%
Old Second Reader.....	15%	Physiology.....	5%
Old Third Reader.....	20%	Elementary Geography.....	8%
Speller.....	9%	Civil Government.....	10%
Arithmetic.....	10%	Advanced Geography.....	8%
English Grammar.....	10%	Revised Third Reader.....	14%
History.....	10%	Revised Fourth Reader.....	25%
Elementary Arithmetic.....	6%		
			165

Showing that the cost of plant was charged to these books only, while no amount is seemingly charged to Lessons in Language, Revised First Reader, Revised Second Reader. It is to be noted that the amount charged for the cost of plant is 65 per cent in excess of the actual cost, or rather actual percentage.

STATE SCHOOL BOOK FUND.

Your committee has devoted a considerable time in the investigation of the printing and compiling of school books, as provided and furnished under the direction of the State Board of Education. To make the examination thorough and complete it was found necessary to commence our investigation of the subject at the beginning; and in order to be advised as to the condition and the reason for these conditions, we procured from the Controller of State, a statement of the financial condition of the several funds that deal directly with all propositions pertaining to the publishing and issuance of the school book series.

The first appropriation made under the Act of 1885, for the compiling, printing, etc., of a State series of school books, amounted to \$150,000. This was followed by additional appropriations in 1887, 1889, and 1891, amounting to \$255,000, or a total of \$405,000, which was set apart in a fund known as the "State Text-Book Fund." This fund was depleted in the furnishing of material, the compiling, electrotyping, etc. For the purpose of compilation, special appropriations, amounting to \$40,000, were set apart. To this amount was added \$1,600 and \$25,000, which amounts were, on March 3, 1893, transferred from the School Book Fund, by Acts of the Legislature. The total of \$66,600 was expended from 1886 to 1900, and charged to the fund "for purposes of compilation," excepting \$720.04, which balance now stands to the credit of the fund.

The School Book Fund, sometimes erroneously termed "The Revolving Fund," was inaugurated in 1887, the receipts for that year being \$3,330.15. Each subsequent year, up to and including the fifty-first fiscal year (1900), has increased the amount of receipts of this fund, until the aggregate amount of receipts is \$1,059,977.26. This amount of money shows the total amount of receipts from the sale of school books. It is to be understood that the so-called "Revolving Fund" was made for the purpose of supporting the continuation of the publishing of the State series of school books. The first annual receipts being the amount first alluded to above as "Receipts for 1887, \$3,330.15." When books are sold to dealers or individuals, as provided for by statute, the money derived from this source is placed to the credit of this fund, and as new editions are issued, or additional changes made in revision, the cost of such changes, the revision,

the printing of the edition, and all necessary expenses are charged to this fund. These charges, in the opinion of your committee, are altogether in error, as the price fixed on the book by the State Board of Education includes only the first cost of compiling, engraving, composition, and printing, and if other work be done in the way of revision, it must be clear to any one that the fund will be depleted to the extent paid for such additional revision, and the fund cannot be restored to its original condition, from the sale of the book, if the present system prevails. But the School Book Fund shows an increase of receipts, over and above expenditures, in the amount of \$117,487.52. This amount is to be considered as \$133,487.52, as there has been transferred \$26,600 to the fund "for purposes of compilation."

An appropriation of \$40,000 was made by the Legislature of 1895, with the intention of replacing the \$26,600 transferred to the fund "for purposes of compilation," but during the same year that the appropriation was made it was used in its entirety, as shown by the accompanying statement, and the return of the \$26,600 disregarded.

The "State Text-Book Fund" has received no credits since the appropriation of \$40,000 in 1891. The State Board of Education, in computing the price at which school books should be sold, figured a percentage on each book for the cost of plant, or for the payment of the \$405,000 expended from the State Text-Book Fund. This percentage, although collected through the sales of books, has never been placed to the credit of this fund. In which particular, your committee would recommend that this percentage, as collected, be transferred from the School Book Fund to the State Text-Book Fund.

As charges have been made openly that the State Printer was responsible for the expense attached to the issuance of school books, your committee was compelled to investigate all matters relating to the compiling and other charges made by the State Board of Education, as well as the work done by the Printer, in order to determine and report.

The following tables will show the condition of the funds pertaining to school books, in 1891:

TABLE No. 4—State Text-Book Fund.

<i>Appropriations.</i>		<i>Expenditures.</i>	
Feb., 1885.....	\$150,000 00	1886—37th fiscal year.....	\$92,419 69
Mar., 1887.....	7,500 00	1887—38th " ".....	63,141 07
Mar., 1887.....	157,500 00	1888—39th " ".....	88,556 09
Mar., 1889.....	50,000 00	1889—40th " ".....	35,670 01
Mar., 1891.....	40,000 00	1890—41st " ".....	36,423 12
		1891—42d " ".....	20,997 43
		1892—43d " ".....	32,066 71
		1893—44th " ".....	35,725 88
	<hr/>		<hr/>
	\$405,000 00		\$405,000 00

For Purposes of Compilation.

<i>Appropriations.</i>		<i>Expenditures.</i>	
Feb. 26, 1885—Special.....	\$20,000 00	1886—37th fiscal year.....	\$5,526 35
Mar. 15, 1887—".....	15,000 00	1887—38th " ".....	4,720 52
Apr. 6, 1891—".....	5,000 00	1888—39th " ".....	7,185 60
Mar. 3, 1893—From School Book		1889—40th " ".....	4,309 25
Fund.....	1,600 00	1890—41st " ".....	3,649 18
Mar. 9, 1893—From School Book		1891—42d " ".....	4,636 60
Fund.....	25,000 00	1892—43d " ".....	6,563 75
		1893—44th " ".....	4,762 50
	<hr/>	1894—45th " ".....	6,882 84
	\$66,600 00	1895—46th " ".....	8,158 02
		1896—47th " ".....	6,514 55
		1897—48th " ".....	2,608 40
		1898—49th " ".....	161 25
		1899—50th " ".....	150 00
		1900—51st " ".....	52 15
	<hr/>		<hr/>
	\$66,600 00		\$65,880 96
		To balance.....	720 04
Am't in Fund.....	\$720 04		<hr/>
			\$66,600 00

TABLE NO. 5—*School Book Fund.*

<i>Receipts.</i>		<i>Expenses.</i>	
1887—38th fiscal year.....	\$3,330 15	1888—39th fiscal year.....	\$30,093 87
1888—39th " ".....	40,225 21	1889—40th " ".....	64,271 42
1889—40th " ".....	130,080 05	1890—41st " ".....	68,834 51
1890—41st " ".....	60,165 18	1891—42d " ".....	55,869 95
1891—42d " ".....	73,191 18	1892—43d " ".....	68,304 01
1892—43d " ".....	77,474 19	1893—44th " ".....	85,941 07
1893—44th " ".....	65,492 06	1894—45th " ".....	116,558 73
1894—45th " ".....	78,982 89	1895—46th " ".....	102,296 89
1895—46th " ".....	79,745 60	1896—47th " ".....	96,268 59
1896—47th " ".....	105,609 74	1897—48th " ".....	91,988 94
1897—48th " ".....	94,994 12	1898—49th " ".....	92,009 93
1898—49th " ".....	100,849 79	1899—50th " ".....	82,558 83
1899—50th " ".....	73,206 13	1900—51st " ".....	59,893 20
1900—51st " ".....	76,630 97	March 3, 1893, for revision by Act of Legislature.....	1,600 00
		March 3, 1893, for compilation by Act of Legislature.....	25,000 00
			\$941,489 94
1895—By special appropria- tion.....	\$1,059,977 26 40,000 00	1895—Expenses against spe- cial appropriation.....	40,000 00
	\$1,099,977 26	Balance.....	117,487 32
			\$1,099,977 26

Completed books in warehouse.....	\$108,208 16
Uncompleted books in bindery (physiology).....	10,000 00
Permanent material, plates, and equipment.....	62,882 74
Stock on hand, paper, ink, etc.....	17,500 00
Cash on hand.....	16,000 00
	\$214,590 90

Statement of the Money Expended from School Book Fund for Compilation, etc., and Money Appropriated for Same.

CR.

By amount used from School Book Fund to complete Advanced Geography (authorized by Act of March 9, 1893, p. 86, sec. 6).....	\$15,000 00
Amount to pay deficiency State Board of Education for compilation, etc. (Act of March 3, 1893, p. 76).....	1,600 00
Amount appropriated for use of State Board of Education (Act of March 9, 1893, sec. 2, p. 85).....	25,000 00
Excess cost of illustrating and manufacturing editions of revised books over and above old series.....	32,000 00
Value of old books displaced by revision, about.....	6,000 00
Amount required by State Board of Education for manuscript Elementary History and revision of U. S. History.....	4,000 00
Total.....	\$83,600 00

DR.

To appropriation, 1895.....	\$40,000 00
Estimated sale of old books.....	2,000 00
	42,000 00
Balance.....	\$41,600 00

We also submit tables that furnish information on the cost of publishing the State school books, in so far as the printing and binding are concerned. In the first table is only given the cost of composition and press work. The cost of binding is not itemized, as separate accounts with the several departments of the bindery were not formerly kept, but later the items of cash in connection with the binding are shown in detail by the books of the foreman of the bindery.

State Printer's Rates for Work on School Books.

Press Room—	
Make ready, per hour 50 cents; per day	\$4 00
Men, per hour 50 cents; per day	4 00
Foreman, 60 cents; janitor, 30 cents; per day	90
Calendering, per day	4 00
Stock—	
Paper, per ream	6 20
Waste paper	6 20
Ink, per lb	3 00
Proofreading, one-tenth number days composition, at	4 50
Composition, per thousand	1 00
Composition, per day	4 50
Machinist, 50 cents; janitor, 40 cents; per day	90
Office, per day	75
Use of press, etc., per day	5 00

To illustrate the charges of the State Printer for work done by his office, we append the cost of printing, binding, etc., of one of the books, viz: Advanced Geography. It is to be noticed that the cost of this book was different for each edition. Two of the editions are for 50,000 copies each. The cost of one edition of 1891 was 82½ cents per copy, while for the second edition of 1894 the cost was 99 cents per copy. These amounts are for the printer's work alone, and to which is to be added the cost of compiling, electrotypes, cost of plant, etc. On the second edition, which was in part printed and bound during, and subsequent to the session of the Legislature, the cost for binding alone is approximately \$3,000 in excess of the cost of binding the edition that was issued when the Legislature was not in session. In the matter of men employed, there is a difference in cost of nearly \$2,000. It is a fact that when the Legislature is in session, the cost of printing is in excess of the cost in the interim. This matter is fully explained and dealt with at greater length in another part of this report.

The last edition of 25,000 copies issued since April, 1899, has cost but 70½ cents, which conclusively shows that the Printing Office is at the present time conducted with an economy not heretofore shown.

The figures given in the following example show the cost when delivered at the warehouse only, to which is to be added the cost for boxing, warehouse, and incidentals. A table itemizing the cost of this portion of the Printer's cost, follows the example, showing the cost of printing and binding.

Cost at State Printing Office for Printing and Binding Advanced Geography.

September 7, 1891.

Edition of 50,000 copies:	
Make ready, 31 days	124 00
Running time, 532 days	
No. men, total 532 days	2,128 00
Foreman and Janitor, 532 days	478 80
Calendering, 105 days	420 00
Paper, reams 968	7,248 40
Paper, waste, to bindery, reams, 75	549 00
Ink, black, 626 lbs.	1,565 00
Bindery	20,325 56
Composition	\$1,300 50
Electro Room, 532 days	598 50
Steam power, 532 days	2,660 00
Machinist and carpenter	478 80
Office, hours	399 00
Use of press	2,660 00
Dummy	425 00
	<hr/>
	8,521 80
	<hr/>
	\$41,260 56

50000) 41260.56 (82½¢
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41260
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50000) 62000 (120¢
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 120
 100
 20

Advanced Geography—Second Edition.

January 2, 1894.

Make ready, 1 man, 752 hours	\$376 00
Running time, 1 press, 7,272 hours; No. of men, 1; total hours, 8,042	4,012 00
Foreman, hours, and Janitor, 909 days	818 10
Paper—reams, 1,063; sheets, 200	7,869 20
Paper, waste to Bindery—reams, 120 lbs. brief, 29 x 43	10 00
Ink—black, 287 lbs.; colored, 259 lbs.	1,365 00
Bindery	23,428 80
Electro Room	1,022 60
Steam power	4,545 00
Machinists and carpenters, hours	818 10
Office	681 75
Use of press (includes repairs, oil, waste, etc.)	4,545 00
	<hr/>
	\$49,491 55

50,000 copies, delivered June 29, 1897.

50000) 49491.55 (99c.

450

449

450

No. 53.

SCHOOL BOOK ORDER.

Advanced Geography—Third Edition.

April 13, 1899.

Title—Advanced Geography.

Number of copies, 25,000.

A. J. JOHNSTON, Superintendent.

Composition Room—Copy received	189
First form to Electro or Press Room	189
	<hr/>
	Foreman.

Press Room—First form received April 13, 1899.

Make ready, hours 1112	\$556 00
Running time (one press), hours 2240½	1,676 25
No. of men, 1; total hours, 3352½	}
Foreman, hours, 4; janitor, hours	
Calendering—No. men, total hours	252 00
Paper—Reams, 507; 80-lb., 26 x 41	2,889 90
Paper, waste to bindery {reams 12, sheets 250, 80 lbs.	221 25
{reams 12, sheets 250, 120 lbs.	450 00
Ink—Black, lbs. 150; colored, lbs. 167	501 00
Last form sent to bindery, December 30, 1899.	
One man cutting paper, 16 hours	8 00
Strips for maps, 10 reams Perfect bond; 5 reams A. bond	74 25
Bindery—Last form received December 30, 1899.	
Delivered to warehouse, May 29, 1900	7,515 50
	<hr/>
	\$14,144 15

L. P. WILLIAMS, Foreman.

Forward	\$14,144 15
Electro Room, 280 days	315 00
Power, 280 days	1,400 00
Machinist and Carpenters, 280 days	252 00
Office—Hours	210 00
Use of press (including repairs, oil, waste, etc.)	1,400 00
	<hr/>
Cost of production	\$17,721 15

cost
25000) 17721.15 (70 $\frac{2}{3}$ c. each
175

22

and selling for \$1.02

Cost Additional for Binding, Warehouse, Incidentals, Etc.

	Number.	Cost per Book.	Total Cost.
Advanced Geography.....	50,000	.020268	\$1,013 40
Revised Second Reader.....	50,000	.01008	504 00
Revised First Reader.....	50,000	.008188	494 00
Revised Third Reader.....	50,000	.013	650 00
Revised Fourth Reader.....	50,000	.013	700 00
Civil Government.....	25,000	.028	360 00
Physiology.....	25,000	.0144	-----
Speller.....	50,000	.008188	504 00
Primary Number Lessons.....	50,000		
Lessons in Language.....	50,000		
U. S. History.....	25,000	.026	650 00
Revised Grammar.....	50,000	.012	600 00
Advanced Arithmetic.....	50,000	.016	650 00
Elementary Geography.....	50,000	.015	750 00
Old First Reader.....	} Not considered.		
Old Second Reader.....			
Old Third Reader.....			

In the following table it will be noticed that the cost of work done on the different text-books varies considerably, which is explained by the State Printer and his deputies as follows (see tables):

"There is a constant change in the force at the State Printing Office. At one time there will be a small and select force working, and at other times the force will be very large and necessarily less competent. The small force, being chosen from among the most competent workers in the office, can do the work on school books in a much quicker and better manner than when it is augmented by more and less competent people; and also in the fact that in some of the books a change has been made in the binding that has, in some cases, reduced the price, and in others raised it."

The same cause and reason applies in the case of all books printed.

TABLE NO. 6.—*Number and Cost of School Books, in so far as the Work of the Printer is Concerned, to which is to be Added Other Charges.*

	First Edition.		Second Edition.		Third Edition.		Fourth Edition.		Fifth Edition.		Sixth Edition.		Seventh Edition.	
	No.	Cost.	No.	Cost.	No.	Cost.	No.	Cost.	No.	Cost.	No.	Cost.	No.	Cost.
Advanced Geography, 1891.	50,000	\$41,260 56	50,000	\$49,491 55	25,000	\$17,721 15	10,000	\$3,275 35	25,000	\$6,038 75	10,000	\$1,695 10		
Lessons in Language, 1892.	25,000	5,713 40	15,000	4,030 23	25,000	7,470 70								
Physiology, 1892.	25,000	10,921 95	25,000	10,576 25										
Speller, 1892.	25,000	7,235 83	25,000	6,780 20	25,000	6,990 44	25,000	7,369 17	25,000	6,682 45	10,000	1,807 00		
Old Third Reader, 1892.	5,000	3,862 40	5,000	3,842 40	7,500	5,119 95								
Old Second Reader, 1893.	10,000	4,449 64	10,000	4,710 70	15,000	7,023 10								
English Grammar, 1893.	10,000	4,297 20	10,000	4,723 30										
Elementary Geography, 1893.	25,000	9,779 50	15,000	7,057 95	25,000	8,427 92	25,000	10,541 87	17,000	4,420 35				
Old First Reader.	20,000	4,928 13	5,000	1,097 90										
Primary Number Lessons.	20,000	4,958 03	20,000	5,461 03	20,000	5,583 00	25,000	5,993 05						
Advanced Arithmetic.	10,000	4,859 40	15,000	6,899 63	10,000	4,248 65	20,000	7,082 35	10,000	5,047 10	20,000	10,501 77	25,000	\$9,145 90
Revised First Reader.	50,000	8,927 20	40,000	6,784 84	50,000	7,108 00	50,000	8,585 35	25,000	2,942 90	25,000	2,729 05		
Revised Second Reader.	50,000	14,789 80	40,000	9,025 99	35,000	7,310 27	40,000	6,728 75	20,000	3,313 35				
Revised Third Reader.	50,000	18,692 53	40,000	12,028 70	10,000	4,421 52	30,000	10,090 75						
Civil Government.	25,000	11,317 05												
Revised Fourth Reader.	50,000	20,375 62	25,000	8,653 85	20,000	9,089 41	25,000	4,875 20						
United States History.	5,000	3,369 20	7,500	4,891 61	5,000	4,333 34								
Revised English Grammar.	50,000	20,380 55	15,000	7,785 15	25,000	12,272 45	25,000	5,943 30	5,000	2,477 55	10,000	5,126 50		

We have already called attention to the manner in which the cost of work performed by the State Printer can be materially reduced, and have given tables for comparison on job and general work. We add herewith a table showing the saving on each edition, if price paid for pressmen and bookbinders were reduced to price paid for similar work, by firms in Sacramento, at the present time, viz: \$3 per day.

TABLE No. 7—Showing the Saving on each Edition, if price paid for pressmen and bookbinders were reduced to price paid for similar work, by firms in Sacramento, at the present time, viz: \$3 per day.

Book.	Edition.	Last Edition Cost.				Reduced Scale.		Difference.
		Press Room.		Book Bindery.		Total.	Amount at \$3.00 per Day.	
		No. Days.	Amount at \$1.00 per Day.	No. Days.	Amount at \$1.00 per Day.			
Revised First Reader	25,000	25½	\$100 50	180¾	\$721 50	\$822 00	205½	\$616 50
Revised Second Reader	40,000	92½	371 50	154½	618 00	989 50	246¾	739 87
Revised Third Reader*	30,000	67½	268 50	121½	424 50	693 00	188¾	201 38
Revised Fourth Reader*	25,000	82½	328 50	121½	424 50	753 00	231¾	246 37
United States History	10,000	67½	270 00	304½	1,220 00	1,490 00	372½	1,117 50
Civil Government*	25,000	108	432 00	190¾	768 00	1,033 50	281¾	324 00
Elementary Geography	17,000	68¾	273 50	190¾	768 00	1,033 50	281¾	771 37
Revised Grammar*	25,000	89½	358 50	190¾	768 00	1,126 50	307¾	297 37
Advance Arithmetic*	25,000	87¾	350 50	190¾	768 00	1,118 50	306¾	262 87
Primary Number Lessons*	25,000	63	212 00	83¾	333 50	545 50	136¾	87 63
Speller	25,000	55½	222 00	83¾	333 50	555 50	136¾	159 00
Lessons in Language*	10,000	80¾	323 00	64½	256 50	579 50	119¾	410 62
Advance Geography	25,000	558	2,232 00	64½	256 50	4,797 00	1,199¾	144 88
								242 25
								80 75
								1,198 87

Men's time only is considered in bindery work.

* Cost of bindery work not segregated on time books, and therefore not obtainable.

The saving is actually more than is shown herein, but cannot be computed nor ascertained, owing to the former system of bookkeeping.

In the foregoing table, the same time of employ⁶s is used as actually taken in the editions already published. Unless new or revised books are printed there is no cost for work of compositors, as the plates are already on hand. The first edition must cost more than any of the later ones, for the reason that composition occurs but in the first edition.

The theory of the two funds, to wit: the Text-Book Fund and the School Book Fund, was as follows: The State decides to go into business and expends the sum of \$405,000 (principal invested) for plant and preparatory work and placing on the market a State series of school books of its own. This money was so expended. The moment the receipts from sales begin to come in they are deposited in a fund known as a "State School Book Fund," which the State decides shall be a "revolving fund," and fixes the price on books so that at the end of eight or twelve years (the life of a book), as the case may be, the State shall have received from the sale of these books, money enough to continually pay for the reproduction of the books sold and a small margin besides, to be gradually returned to the "Text-Book Fund," or the money originally invested.

Before any sales were made those in charge of the fixing of prices made an error in estimating the sale of State school books, and necessarily thereafter in fixing the price of compilation to be charged to and added to the price of each book. The price of printing, as considered by that Board, must necessarily have been wrong, as the estimated total cost and the average actual cost since publication are entirely different, and instead of making a small profit upon each book the State has found that there is a small loss on many of them, and it also finds that the books must be occasionally revised and brought up to date, and having made no charge for that, must consequently make an additional appropriation, or allow the School Book Fund to be depleted just so much as such revision or recompilation has cost. But some of the books have made money, and the State finds, at the end of ten or twelve years, that the fund has slightly increased, but not to the extent that was expected of it. To show the manner in which this was conducted, see Table No. 9, which gives the estimated total cost of each book, the average actual cost of each book, and its selling price, which will show very clearly that errors have been made in connection with the school books all along the line.

TABLE NO. 8—Cost and Selling Price of School Books as Estimated by State Board of Education.

	Printers' Cost.	Cost of Plant	Electric Plates, etc.	Compiling, etc.		Revision of Text	Revision of Plates	Cost at Sacramento	By Mail	Retail Price
				Pro Rata.	Am't per Book.					
First Reader (old) .....	.140	10	.012	.0033				.15	.20	.20
Second Reader (old) .....	.283	15	.02	.007	.01	.01		.33	.41	.40
Third Reader (old) .....	.48	20	.033	.01	.01	.01		.54	.66	.65
Speller .....	.225	9	.011	.004	.01			.25	.31	.30
Arithmetic .....	.359	10	.015	.01	.01	.01		.42	.50	.50
English Grammar .....	.345	10	.031	.027	.01	.01		.42	.50	.50
United States History .....	.575	8	.058	.036	.01	.01		.70	.82	.80
Elementary Arithmetic .....	.194	6	.0056	.0022				.20	.25	.25
Elementary Grammar .....	.20	5	.009	.006	.01	.01		.25	.30	.30
Physiology .....	.378	5	.059	.037	.01	.01		.50	.58	.60
Elementary Geography .....	.366	8	.031	.022	.01	.01		.50	.60	.60
Civil Government .....	.38	10	.038	.017	.01	.01		.46	.54	.55
Advanced Geography .....	.76	8	.12	.09				1.02	1.20	1.20
Revised First Reader .....	.158		.0127	.0076				.16	.20	.20
Revised Second Reader .....	.236		.0145	.0119				.28	.34	.35
Revised Third Reader .....	.395	.021	.013	.011				.44	.51	.50
Revised Fourth Reader .....	.444	.051	.020	.015				.33	.60	.60
Revised English Grammar .....	.406		.017	.05				.47	.55	.55

TABLE No. 9.

Name of Book.	Estimated Edition.	Actual Edition on Annual Average.	Estimated Annual Edition	State Printer's Cost.					Estimated Total Cost.	Average Actual Cost.	Selling Price	Actual Cost of Last Edition
				First Edition.	Last Edition..	Average for all Editions Except Last.	Additional Expense.	Total Per Book for Printing				
Advanced Geography	240,000	14,810	20,000	7398	7202	85	.0202	.87	.97	1.08	1.02	9594
Lessons in Language	360,000	16,042	30,000	2246	177	.251	.0081	.239	.233	.234	.25	2201
Physiology	120,000	8,405	10,000	378	4374	.428	.0144	.442	.494	.558	.50	5678
Speller	408,000	19,055	34,000	225	188	.259	.0081	.267	.25	.292	.25	215
Elementary Geography	360,000	19,183	30,000	366	275	.373	.015	.388	.439	.461	.50	363
Primary Number Lessons	660,000	14,978	55,000	194	232	.259	.0081	.267	.2018	.275	.20	2479
Advanced Arithmetic	420,000	15,666	35,000	359	301	.443	.016	.459	.404	.504	.42	362
Revised First Reader	325,000	36,203	40,625	158	117	.15	.0081	.158	.02	.16	.16	145
Revised Second Reader	210,000	22,621	26,250	236	175	.192	.01	.202	.0264	.228	.28	2114
Revised Third Reader	200,000	24,647	30,000	395	349	.358	.013	.371	.045	.44	.44	407
Revised Fourth Reader	200,000	21,641	25,000	444	208	.33	.013	.343	.086	.53	.53	307
Civil Government	150,000	5,250	12,500	38	54	.38	.028	.408	.075	.536	.46	643
United States History	180,000	9,082	15,000	575	538	.681	.026	.710	.114	.894	.70	678
Revised English Grammar	180,000	27,090	22,000	307	226	.447	.012	.459	.067	.526	.47	305

BOOKKEEPING.

A system of bookkeeping should be inaugurated whereby would be shown the daily cost of the Printing Office, the actual stock and supplies used, etc.—in fact, a complete system.

The bindery should account for stock received and used; the custodian of paper, the same; the pressman, the amount of paper on each job; foreman of composing room, the type, etc.

All departments should keep account of stock received and used, to compare with books to be kept by the chief clerk or bookkeeper at the main office. The bookkeeper should have weekly or monthly stubs from heads or foremen, to show the disposition of stock.

Your committee has, at all times, met with uniform courtesy on the part of the State Printer and all of his assistants. Mr. A. J. Johnston; Mr. E. S. Hadley, chief deputy; Mr. Harry Rogers, foreman, and Mr. L. P. Williams, foreman of bindery, have in every way assisted your committee to gather information for the compilation of this work. It is but justice to Mr. Johnston to credit him with a desire to impart all information that would in any way prove of benefit in ascertaining the actual condition of the Printing Office, as well as suggesting means, by which changes could be made, that would, in a degree, lessen the cost of conducting his department.

The State Printing Office gives employment to many persons, and in most instances they are competent for the positions to which they are assigned. During legislative sessions, however, and at times when the biennial reports are to be printed, and when school books are published, the force in the State Printing Office is increased. On these occasions the demands made for employment (by the applicants themselves, indorsed by persons who claim the right of appointment by reason of their political influence) forces the State Printer to accept what is furnished to him, instead of making his selection from among the more proficient tradesmen.

The fact that higher wages are paid by the State Printing Office than by any commercial office paying union rates, induces applicants to be most persistent in their demands for positions, and the State Printer at times accepts employes by reason of political influence and prestige, who, when proven inefficient, are removed to give place to those more competent.

In the department where collating and folding are done, none but women are employed. This force is also increased during legislative sessions, and when editions of school books are published. The number thus employed can be supplanted by machinery, such as is in use in the large publishing houses. The same conditions for securing appointments prevail here as in the other departments of the office. The remedy for all of which can be found in abolishing the present system of electing the State Printer, and making the office, as formerly, an appointive one, under the direction of the Governor.

Your committee submit the following as the result of their investigations:

First—That the charges made by the State Printing Office are from 15 to 60 per cent in advance of prices made by commercial houses for similar work.

Second—That the work cost from 400 to 600 per cent more when done by contract than at the present time.

Third—That the work now costs from 10 to 20 per cent less than was charged by the State Printer in 1893.

Fourth—That the price paid for labor is from 15 to 33¹/₃ per cent more than the average price paid in commercial houses of the State.

Fifth—That the machinery is antiquated, and in order to lessen the cost of work done, should be replaced with modern appliances.

Sixth—That at least seven type-setting machines be placed in the composing room, which will reduce the cost of composition 60 per cent.

Seventh—That the conditions are such that at times incompetent workmen are employed, and for this reason the general cost of work is increased.

Eighth—That the rumors of corruption, inattention to business, and general inefficiency are untrue.

Ninth—That in the estimated cost of school books errors have been made by the different State Boards of Education, which have caused the selling price to be less than the actual cost.

Tenth—That the sum of \$83,600 has been erroneously diverted from the School Book Fund, and that \$40,000 has been returned to the fund.

Eleventh—That the actual average cost of the books now on sale is from one cent to six cents more than the present selling price.

Twelfth—That the plan adopted by the Legislature of 1899, in appropriating to each State department a fixed sum for the printing of the office or department, has been beneficial, and has resulted in a saving to the State of one-half the former cost of printing.

RECOMMENDATIONS.

Your committee would recommend—

First—That the State Printing Office be maintained.

Second—That the plan of making separate appropriations for each State institution be continued.

Third—That appropriations be made for the purchase of new material, as included in the report, for press room, stereotyping department, and composing room.

Fourth—That a statute be enacted, providing that the State pay to all operatives the highest ruling rate of union wages, as prevails in the State of California at the present time.

Fifth—That additional appliances be added to the bindery department as follows: 1 double-deck ruling machine, 1 folding machine, 1 automatic feeding machine, 2 case-making machines (1 large and 1 small), 1 book signature press, 3 book-sewing machines, 1 wire stitcher, 1 cloth-slitting machine, 1 self-feeding eyeletting machine, one improved punching machine—which will save 33 $\frac{1}{4}$ per cent in the cost of ruling, and 60 per cent in the cost of case-making.

Sixth—That all presses that have outlived their usefulness be disposed of, and replaced by modern presses that are adapted to the requirements.

Seventh—That the statute providing that the office of State Printer be an elective one, be so amended that the office be appointive and at the pleasure of the Governor.

Eighth—That the price of each school book be readjusted, to the actual average cost of such book since first published.

Ninth—That a small percentage be added to the cost price of each book, to be deducted annually from the School Book Fund, and placed in a separate fund for the revision of school books.

Tenth—That a percentage be added to the cost of each book, to be deducted from the School Book Fund, and placed to the credit of the original "State Text Book Fund," for the purpose of paying back to the State the amount advanced for the purpose of establishing a series of school books. (If the prices are properly adjusted, this can be done with no detriment to the people of the State, and will answer the double purpose of having money on hand for any necessary revision, without additional appropriations, and will pay the original investment.)

FRANK W. LEAVITT, Chairman,
CHAS. M. SHORTRIDGE,
R. P. ASHE,

Committee on the Investigation of the State Printing Office.

IN SENATE.

SENATE CHAMBER.

Monday, January 14, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

LEAVE OF ABSENCE.

Senator Muentner was granted a leave of absence, on account of sickness, until Monday, January 21, 1901, on motion of Senator Caldwell.

READING OF THE JOURNAL.

The Journal of Friday, January 11, 1901, was read.

APPROVAL OF JOURNALS.

The Journals of Monday, January 7, Tuesday, January 8, and Wednesday, January 9, 1901, having been previously read and corrected, were approved.

CONSIDERATION OF SPECIAL ORDERS POSTPONED.

On motion of Senator Cutter, the consideration of special orders heretofore set for this hour was postponed until Tuesday, January 15, 1901, immediately after the reading of the Journal.

PETITION.

The following petition, presented by Senator Tyrrell of Nevada, was read, and ordered printed in the Journal:

SAN FRANCISCO, January 12, 1901.

To the Members of the Senate and Assembly of the State of California:

GENTLEMEN: The California Miners' Association, through its executive committee, beg to call your attention to the following facts:

1. In 1893 the Legislature of this State appropriated \$250,000 to be used in the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, and other causes.

2. This appropriation was not to become available until the United States Government should have appropriated at least an equal amount for the same purpose.

3. In 1896 Congress appropriated \$250,000 for the above purpose.

4. After a most careful and painstaking examination and study of the matter, the Federal engineers submitted their plans for the contemplated work.

5. These plans involve an expenditure of \$800,000, instead of \$500,000, leaving a deficiency of \$300,000 to be made up by the State and National governments.

6. Through the Emergency River and Harbor Bill of June 6, 1900, Congress made provision for the immediate commencement of the contemplated work and its prosecution to the extent of the then available State and National appropriations, amounting to a total of \$500,000. To this provision in the Emergency River and Harbor Bill of 1900 there was added a proviso to the effect that one half of the cost of the contemplated work should be paid by the State of California.

7. The plans of the Federal engineers for the entire work, involving an estimated expenditure of \$800,000, have been approved by the State Board of Examiners of this State, and bills looking to the appropriation by the State of California of the further sum of \$150,000 as its final contribution to the contemplated work have already been introduced in the Senate and Assembly. These bills are known as Senate Bill No. 127 and Assembly Bill No. 46, and were introduced, respectively, by Senator Tyrrell of Nevada and Assemblyman Irish of Sierra.

8. It is well understood that further appropriation by Congress is contingent upon the action of your honorable bodies.

We, therefore, most respectfully and earnestly request early and favorable action at your hands upon the measures above noted.

E. C. VOORHEIS,

President California Miners' Association.

Attest: EDWARD H. BENJAMIN, Secretary.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up, read, and referred to Committee on Executive Communications:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,)
SACRAMENTO, January 14, 1901.)

To the Senate of the State of California:

I have the honor to present herewith, for your information, a copy of the official report of "The California Paris Exposition Commission," received by me since the transmission to your honorable body of my first biennial message.

Section 3 of the Act creating said commission, approved March 20, 1899, reads as follows: "Said commission to return to the Controller vouchers, properly certified, for all money expended by it."

It will be observed from an examination of the provisions of the said Act creating said commission that neither the Board of Examiners nor the Governor had any power

of supervision over the acts of said commission, and the State Controller has informed me that no vouchers have as yet been returned to said officer.

HENRY T. GAGE,
Governor of the State of California.

SAN FRANCISCO, CAL., January 5, 1901.

Governor HENRY T. GAGE, Sacramento, Cal.:

DEAR GOVERNOR: Herewith enclosed you will find a condensed statement of the operations of the California Paris Exposition Commission, appointed by you in pursuance of an Act approved March 20, 1899.

Of course you will understand this is a mere outline of what we have been doing, and a full report will follow in detail, from the inception of the commission until its work is completed.

Trusting this will be satisfactory to you, we beg to remain,

Most respectfully yours,

W. W. FOOTE,
E. W. RUNYON.

SAN FRANCISCO, CAL., January 5, 1901.

Hon. HENRY T. GAGE, Governor of the State of California:

Pursuant to an Act appropriating money to pay the expense of collecting, preparing, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California, at the Paris Exposition in nineteen hundred. Also, for preparing and printing literature for distribution at said exposition, and providing a commission, and expense of commission and attachés, approved March 20, 1899.

Carrying out the provisions of said Act, it was your pleasure to name as such commissioners Mr. E. W. Runyon of Red Bluff, Mr. W. W. Foote of Oakland, and Major Ben C. Truman of Los Angeles. Immediately upon receipt of their commissions, these gentlemen proceeded to organize by the election of Mr. E. W. Runyon as president, and elected Mr. Varney W. Gaskill as their secretary.

The exhibits of this State were collected with the utmost care; were duly forwarded and handsomely installed in five different departments and pavilions at the Paris Exposition, namely: Horticulture, Agriculture, Mining, Forestry, and Fishery, these being the five groups in which the California commission principally exerted all their energies.

This State was allotted six jurors, one for each of these departments, and one for the Department of Chemistry; the different groups were divided into 105 different classes, of which California had a splendid representation in 24 of them. This State had an elegant display, consisting of a full line of all varieties of dried, canned, conserved, fresh, and citrus fruits, raisins, nuts, wines, olive oils, cereals, wool, woods, leather, perfumery, soaps, education, social economy, and varied industries.

The following summary of awards speaks for itself: Out of a total of 577 exhibitors from this State 568 received awards at the hands of the International Jury; thus it will be seen that of all our exhibitors, 98 received rewards, while only 50 of the world's exhibitors received any mention. Included in these awards the State of California secured a grand prize for its collective exhibits in each of the five departments above mentioned, and five additional gold medals on separate exhibits in these and other departments. California exhibits were distributed in the different departments, and grouped with similar exhibits of the world. Attractive signs were placed conspicuously over California exhibits directing the visitors to our State display, which had been artistically arranged, and the name of California soon became a household word.

Another feature of the commission's work, and which brought great prominence to the State, was the headquarters, bureau of information, collective exhibits, and offices, maintained at No. 8 Place de l'Opera, the very center of the most populous quarter of Paris, which drew thousands of visitors of all nationalities seeking information of the resources of our State. It can be stated this was the only State in the Union that maintained such headquarters outside of the Exposition.

An efficient corps of assistants familiar with the resources of our great State and conversant with the French, German, Spanish, and Italian languages were always on hand at these headquarters to furnish any information required, also to assist Californians in and about Paris; also to furnish them with data as to where our exhibits at the Exposition could be found, and give them all information while in Paris.

There was also maintained a Commercial Bureau, whose function it was to distribute throughout Europe albums and maps printed in French, English, and German, illustrative of the resources of this State. It is pleasing to note in this connection that over 300 answers were received from Boards of Trade and Chambers of Commerce, acknowledging receipt of these maps and albums, and thanking this commission for their courtesy in the matter, and also assuring the commission that the maps would be prominently displayed on their walls.

This commission has fully demonstrated that many products of this State are now in the markets of France, and that by further enterprise of our producers many others can be successfully and profitably sold there.

Of the \$120,000 appropriation by our Legislature, which was turned over to the commission, about \$116,000 will have been expended when this commission shall have finished their work, thus leaving a balance of about \$4,000 to be turned back to this State Treasury. This commission will render a full and complete report of all its proceed-

ings from the organization to the closing of its affairs, so that the people of this State may have a full report of how the money was expended and the affairs managed.

All of which is respectfully submitted.

E. W. RUNYON, President.
W. W. FOOTE.

V. W. GASKELL, Secretary.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the State Printer is hereby authorized and directed to delay the printing of the three bills amendatory of the Codes, heretofore introduced in behalf of the Code Commission by Senator Devlin, until all other bills now in his possession, and the bills this day introduced by Senator Nutt, be printed and delivered to the Senate.

Resolution read and adopted.

By Senator Bettman:

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of the Senators, and forthwith transmit a statement of the same to the State Controller; and the Controller is hereby directed to draw his warrant in favor of each Senator for the amount remaining in his account, and the Treasurer directed to pay the same.

Resolution read and adopted.

By Senator Burnett:

Resolved, That requisitions on Secretary of State for stationery be limited to \$30 each for the Committees on Finance and Claims and Judiciary, and to \$10 each for all other standing committees; each committee requisition to be signed by the chairman thereof.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 1—Relative to a quarantine against the introduction of insect pests and plant diseases—and report that the same has been correctly enrolled, and presented the same to the Governor on this 11th day of January, 1901, at three o'clock and fifty-five minutes P. M.

NELSON, Chairman.

ON REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 14, 1901.

MR. PRESIDENT: Your Committee on Reformatories, to whom was referred Assembly Bill No. 3—An Act to provide for the rebuilding, repairing, equipping, and furnishing the Refectory Building of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

F. M. SMITH, Chairman.

Assembly Bill No. 3 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 14, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of seventy-five (\$75) dollars for rubber stamps, expressage, and contingent expenses, the same payable out of the Contingent Fund of the Senate.

Resolved, That the Sergeant-at-Arms provide the press mailing clerks with \$40 worth of postage stamps, the same being payable out of the fund for the contingent expenses

of the Senate, and the Controller is hereby directed to draw his warrant for said sum of \$40, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the above report and resolutions.

The roll was called, and the report and resolutions were adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Davis: Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority, of the several counties, cities and counties, and towns, of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 171—An Act making an appropriation to pay the claim of U. S. Gregory for transportation of ——— Clark, an insane person, to the insane asylum at Napa.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 172—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 173—An Act appropriating money for the purchase and equipment of a printing press for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 174—An Act appropriating money for the purchase of farm horses for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 176—An Act appropriating money for the purchase of musical instruments for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 178—An Act appropriating money for the purchase of tools for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Reformatories.

By Senator Nutt: Senate Bill No. 179—An Act to establish a law

uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 180—An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 182—An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, county and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates, by providing for the designation of what proportion of the rates fixed is for annual reasonable expenses and what proportion is for net annual receipts and profits.

Bill read first time, and referred to Committee on Irrigation.

Also: Senate Bill No. 183—An Act amending Section 1579 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 184—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Bill read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction thereof.

Bill read first time, and referred to Committee on Agriculture.

By Senator Devlin: Senate Bill No. 186—An Act to amend an Act entitled "An Act to establish a Board of Parole Commissioners for the parole of and the government of paroled prisoners," approved March 23, 1893.

Bill read first time, and referred to Committee on Prisons.

Also: Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 188—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 219, relating to assaults by prisoners in the State Prison upon a fellow prisoner.

Bill read first time, and referred to Committee on Judiciary.

By Senator Maggard: Senate Bill No. 189—An Act to amend Section 645 of the Political Code of the State of California, relating to highways.

Bill read first time, and referred to Committee on Highways.

Also: Senate Bill No. 190—An Act to amend Section 3839 of the Political Code of the State of California, relating to poll-tax.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 191—An Act to amend Section 634 of the Penal Code of the State of California, relating to fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 192—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Senator Simpson: Senate Bill No. 193—An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and punish persons violating the provisions of this Act.

Bill read first time, and referred to Committee on Health.

By Senator Smith of Kern: Senate Bill No. 194—An Act making an appropriation to pay the deficiency for pay of officers and clerks of the Senate, thirty-third session, fiftieth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Lardner: Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Byrnes: Senate Bill No. 196—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Bill read first time, and referred to Committee on Finance.

By Senator Caldwell: Senate Bill No. 197—An Act to amend Section 1365 of the Code of Civil Procedure, relating to estates of persons deceased.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 198—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Bill read first time, and referred to Committee on Health.

By Senator Smith of Los Angeles: Senate Joint Resolution No. 8—Relative to the growing of citrus fruits.

Referred to Committee on Federal Relations.

By Senator Simpson: Senate Concurrent Resolution No. 4—Relative to the proposed charter of the City of Pasadena.

Referred to Committee on Municipal Corporations.

BILL RE-REFERRED.

On motion of Senator Corlett, Senate Bill No. 14 was recalled from the Committee on Military Affairs and referred to Committee on Finance.

CHANGE IN COMMITTEE MEMBERSHIP.

The President pro tem. stated that, unintentionally on the part of the President, Senator Greenwell was made a member of the Committee on

Judiciary and Senator Nutt a member of the Committee on County Governments, when the reverse was desired.

By and with the consent of the Senate, the name of Senator Greenwell was substituted for that of Senator Nutt on the Committee on County Governments, and the name of Senator Nutt for that of Senator Greenwell on the Committee on Judiciary.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

PAPERS FOR CONTEST OF ELECTION.

The President announced the receipt from the Secretary of State of papers filed with him to contest the election of the Hon. W. B. Lardner to the State Senate from the Fifth Senatorial District in favor of Ben. P. Tabor, and thereupon referred the papers to the Committee on Elections.

RECESS.

At twelve o'clock and ten minutes P. M., the Senate, on motion of Senator Wolfe, took a recess until one o'clock and forty-five minutes P. M. of this day.

RECONVENED.

At one o'clock and forty-five minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Salvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—30.

Quorum present.

ANNOUNCEMENT.

The Secretary announced that all the officers, attachés, and employés of the Senate had been sworn in, and had assumed the duties of their respective offices.

LEAVE OF ABSENCE.

Senator Devlin, on his own request, was granted a leave of absence for to-morrow morning.

ADJOURNMENT.

At one o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the Senate adjourned until eleven o'clock A. M. of Tuesday, January 15, 1901.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 15, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Monday, January 14, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 10, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Smith of Kern was granted a leave of absence for the day, on motion of Senator Bettman.

Senator Belshaw was granted a leave of absence for the day, on motion of Senator Flint.

CONSIDERATION OF SPECIAL ORDER.

The hour set for the consideration of the proposed Standing Rules of the Senate, as reported by the Committee on Rules on January 10, 1901, having arrived, the same was taken up for consideration.

PROPOSED STANDING RULES OF THE SENATE.

The following are the rules submitted by the Committee on Rules, with the recommendation that they be made the Standing Rules of the Senate:

STANDING RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Monday, January 28, 1901, a recess shall be given at twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order—Reading Journal.*

The President shall call the Senate to order at the hour stated, and, if a quorum be present, the Journal of the proceedings of the preceding day shall be read, unless otherwise ordered by vote of the Senate.

3. *Order of Business.*

1. Roll Call.

2. Prayer by the Chaplain.

3. Reading and Approving of the Journal of the preceding day.

4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

5. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.

2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employes of the Senate, other than the President of the Senate. To certify to, and transmit to the Assembly, all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct Journal of the proceedings of the Senate.

4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the Assistant Secretaries, and other officers, the duties pertaining to their offices.

6. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

7. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

8. *Senators Must Address the President.*

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken shall desire to do so.

9. *The Senators Entitled to Floor.*

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

10. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the

quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which each bill is referred, and the balance shall be distributed according to law.

11. Number of Copies to be Printed.

Five hundred copies shall be printed of each document or other matter ordered unless the Senate especially direct a different number.

12. Executive Session.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

13. Printing the Daily Journal.

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

14. Committees—When to Report.

All committees of the Senate shall report their action on all bills referred to them before January 25th within ten days, except that all bills referred to them on and after January 25th shall be reported within five days, unless otherwise specially ordered, and when such extension of time is ordered the Senate shall state the length of time, and the Secretary shall make record of the same in a book kept for that purpose.

15. Bills "Passed on File," Placed at Foot of File.

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

16. Standing Committees, Quorum of—What Constitutes.

The standing committees shall determine the number of such committee which shall constitute a quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

17. Author to Speak Last.

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

18. Form of Previous Question—Call of Senate.

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

19. Order of Questions on Motion to Refer.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

20. Order of Engrossing and Enrolling Bills.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

21. Printing for the Senate.

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary.

The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business under a specially prepared written order, to be known as a "Rush Order."

22. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered on the Journal.

23. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Enrolled and Engrossed Bills, and take their receipt therefor.

24. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate, unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

25. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

26. *Oaths and Affirmations.*

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator in open Senate, before entering upon his duties.

27. *Resolutions.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

28. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day; and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

29. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

30. *Reconsideration.*

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

31. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

32. *Secretary, upon Notice of Reconsideration, not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

33. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 31, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

34. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

35. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

Agriculture—Seven members.
Apportionment—Thirteen members.
Banking—Five members.
Code Revision—Seven members.
Commerce—Seven members.
Contingent Expenses—Three members.
Corporations and Public Morals—Thirteen members.
Constitutional Amendments—Seven members.
County Governments—Seven members.
Drainage—Five members.
Elections—Eleven members.
Education—Seven members.
Enrolled and Engrossed Bills—Three members.
Executive Communications—Three members.
Federal Relations—Three members.
Finance—Thirteen members.
Fish and Game—Five members.
Food Adulteration—Three members.
Forestry and Water Storage—Nine members.
Health—Five members.
Highways—Seven members.
Hospitals—Seven members.
Irrigation—Five members.
Judiciary—Nineteen members.
Labor and Capital—Three members.
Manufactures—Three members.
Military Affairs—Five members.
Mining—Five members.
Municipal Corporations—Seven members.
Printing—Three members.
Prisons—Seven members.
Reformatories—Five members.
Revenue and Taxation—Five members.
Rules—Three members.

36. *Amendments to Original Question.*

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

37. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

38. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

39. *Amendments and Substitutes.*

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

40. *Amendments and Substitutes Must be Germane.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

41. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

42. *Short of Final Question, Two-Thirds Vote Not Requisite on Propositions to Amend Constitution.*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

43. *Leave of Absence.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

44. *Claims on Contingent Fund Must go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

45. *Order of Privileged Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

46. *Motion Not to be Debated until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

47. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

48. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read the third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

49. *Ayes and Noes—Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision from the Chair.

50. *Introduction and Reading of Bills.*

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

51. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

52. Titles of Bills Must be in Journal.

The titles of bills and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

53. When Not in Committee of the Whole, Proceedings Must be Entered in Journal.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

54. Rules in Senate and Committee of the Whole.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times speaking, and except that the ayes and noes shall not be taken.

55. Cases Not Provided for, Cushing to Govern.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

56. Suspending and Changing Rules.

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule 52 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules without debate.

57. Powers and Prerogatives of President.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

58. President may Order Lobbies Cleared.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

59. President may Call Senators to the Chair.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

60. Sergeant-at-Arms.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and release, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

61. Messengers—When Introduced.

Messengers are introduced in any stage of business, except while a question is being put, while the ayes or noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. Doorkeeper.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless invited by the President, or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

63. Executive Communications and Nominations.

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

64. Printed Bills, etc., Must be Placed on Desks.

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

65. *San Francisco Delegation.*

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

The above rules were read.

AMENDMENTS.

Senator Wolfe moved to amend Rule 35, by increasing the membership of the Committee on Finance to fifteen.

Amendment accepted by Senator Cutter, on behalf of the Committee on Rules, and adopted

Senator Davis moved to amend Rule 35, by increasing the membership of the Committee on County Governments to nine.

Amendment accepted by Senator Cutter, on behalf of the Committee on Rules, and adopted.

Senator Taylor moved to amend Rule 35 as follows:

By striking out the words "eleven members," after the word "Elections," and inserting the words "nine members" in lieu thereof.

Amendment lost.

Also:

Amend Rule 35 by striking out the words "seven members" after the word "Commerce," and inserting the words "five members" in lieu thereof.

Amendment lost.

The question being on the adoption of the report and the rules as amended.

The roll was called, and the above rules, as amended, were adopted as the Standing Rules of the Senate by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Smith of Kern: Senate Bill No. 199—An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 200—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Bill read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 201—An Act to define and establish a portion of the eastern boundary of the State of California.

Bill read first time, and referred to Committee on Federal Relations.

By Senator Caldwell: Senate Bill No. 202—An Act to amend paragraph sixteen of Section 178 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to fees of reporters.

Bill read first time, and referred to Committee on County Governments.

By Senator Selva: Senate Bill No. 203—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Luchsinger: Senate Bill No. 204—An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works in the fifty-first fiscal year, and directing from what source such payment shall be made.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 205—An Act to pay the claim of Ed. E. Leake against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Nutt: Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Bill read first time, and referred to Committee on Finance.

By Senator Laird: Senate Bill No. 207—An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Smith of Los Angeles: Senate Bill No. 208—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Bill read first time, and referred to Committee on Judiciary.

By Senator Cutter: Senate Bill No. 209—An Act to amend an Act entitled "An Act to amend Sections 5, 6, and 11 of an Act entitled 'An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County,'" approved March 20, 1874.

Bill read first time, and referred to Committee on Drainage.

By Senator Simpson: Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 211—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to Justices of Peace in townships.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 212—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Oneal: Senate Bill No. 213—An Act making an appropriation for repairs at the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably in the Civil War.

Bill read first time, and referred to Committee on Finance.

ASSEMBLY MESSAGE.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on January 10, 1901, adopted Assembly Concurrent Resolution No. 1—Relative to thanking the State Relief Committee for the Texas sufferers.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Concurrent Resolution No. 1 referred to Committee on Rules.

JOINT RESOLUTION RE-REFERRED.

Senator Davis moved that Senate Joint Resolution No. 6—Relative to forest reservation—be re-referred to Committee on Forestry and Water Storage, without losing its place on file.

Motion carried, and such was the order.

SUSPENSION OF THE RULES.

Senator Wolfe moved that the rules be suspended for the purpose of considering Assembly Bill No. 3—An Act to provide for the rebuilding, repairing, equipping, and furnishing the refectory building of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same—without reference to committee.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Currier:

Resolved, That Assembly Bill No. 3 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its final passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—Senators Burnett, Laird, Lukens, Nelson, and Taylor—5.

CONSIDERATION OF ASSEMBLY BILL.

Assembly Bill No. 3—An Act to provide for the rebuilding, repairing, equipping, and furnishing the refectory building of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read second time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, January 15, 1901.

MR. PRESIDENT: Your special committee, to whom was referred the Governor's message for segregation and reference, has had the same under consideration, and respectfully report the same back, and recommend that the different subjects embraced therein be referred to the standing committees as follows:

To the Committee on Finance—Those subjects on pages 4 and 25 of the Senate Journal of Wednesday, January 9, 1901, as follows: "The People Demand Economy"; "Present Need for Economy"; "Constitutional Amendments"; "Appropriations Should Not Be Made Payable Immediately"; "Economic Reform Required."

To the Committee on Federal Relations—On pages 5 and 6, and 21 and 24, as follows: "Necessity for the Exclusion of Chinese and Japanese Laborers"; "Deportation of Japanese"; "California War Claims."

To the Committee on Health—On pages 6, 7, 8, 9, 10, and 11, as follows: "Bubonic Plague Scare"; "Extreme Danger from the Importation and Handling of Plague Bacilli"; "Recommendations for Legislation"; "Extension of Powers and Duties of the State Board of Health"; "A State Quarantine Officer Necessary"; "Legislation Against False Reports Necessary."

To the Committee on Commerce—On pages 11, 12, 13, and 14, as follows: "The Passage of Laws for the Improvement of the San Francisco Harbor at the Extra Session of 1900."

To the Committee on Revenue and Taxation—On pages 14, 15, and 16, as follows: "The University of California"; "The Benefactions of Mrs. Phoebe Hearst"; "Some Recommendations for the Relief of the University"; "Non-Resident Students Should Pay Tuition Fees"; "Leland Stanford University."

To the Committee on Apportionment—On page 16, as follows: "Adjustment of Legislative Districts and Reapportionment."

To Senator Simpson, to draft bill—Page 16 as follows: "Abolition of the Office of Commissioners for the Promotion of Uniformity of Legislation."

To Senators Selvage and Simpson, to draft bill—On pages 16 and 17, as follows: "Inventory of State Property."

To the Committee on Elections—On page 17, as follows: "Primary Law."

To the Committee on Reformatories—On pages 17 and 24, as follows: "Whittier State School"; "Preston School of Industry"; "State Institutions Generally"; "The Paris Exposition Commission."

To the Committee on Judiciary—On pages 17 and 18, 19 and 20, and 24, we respectfully recommend that committee to draft a bill on the following: "Scandals in State Dental and Pharmacy Boards"; "Claims of Counties Against the State"; "Judgments Against the State."

To the Committee on Drainage—On page 20, as follows: "Debris Commission."

To the Committee on Hospitals—On pages 20, 21, and 22, as follows: "State Hospitals for the Insane"; "Female Physicians Appointed"; "Private Asylums for Insane and Feeble-minded Persons"; "Quarantine Against the Insane from Other States and from Other Countries."

To the Committee on Military Affairs—On pages 18 and 19, as follows: "National Guard of California."

To the Committee on Prisons—On pages 22, 23, and 24, as follows: "Pardons, Reprieves, and Commutations"; "Death Penalty for Life Convicts Feloniously Assaulting any Person in the State Prison"; "Number of State Prisoners"; "Powers of the State Prison Directors in Paroling Prisoners Should be Extended."

SIMPSON, Chairman.

Report of committee adopted, and assignments thereupon made.

RECESS.

At eleven o'clock and forty minutes A. M., on motion of Senator

Davis, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, O'Neal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wood—31.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 15, 1901.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Assembly Concurrent Resolution No. 1—Relative to thanking the State Relief Committee for the Texas sufferers—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BETTMAN, Chairman.

Assembly Concurrent Resolution No. 1 ordered on file.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Bettman:

Resolved, That Miss Hattie Bradbury be elected Stenographer of the Senate during the present session at a compensation of \$5 per day, payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Devlin:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed and directed to purchase for the use of the duly accredited representatives of the press having seats on the floor of this Senate, files known as the Keystone patent binders, and that the Controller be instructed to draw his warrant on the State Treasurer to pay for the same.

Resolution read, and referred to Committee on Contingent Expenses.

APPOINTMENT OF MEMBERS OF STANDING COMMITTEES.

The following communication from the President of the Senate was read:

SENATE CHAMBER, SACRAMENTO, January 15, 1901.

To the Honorable the Senate of the State of California,

GENTLEMEN: In compliance with the Standing Rules of the Senate, adopted this day, the following are hereby appointed and added to the committees named therein:

Elections—Senators Cutter, Flint.

Commerce—Senators Bettman, Cutter.

Hospitals—Senators Maggard, Laird.

Finance—Senators Wolfe, Hoey.

County Governments—Senators Davis, Lardner.

Respectfully,

J. H. NEFF, President of the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FORESTRY AND WATER STORAGE.

SENATE CHAMBER, SACRAMENTO, January 15, 1901.

MR. PRESIDENT: Your Committee on Forestry and Water Storage, to whom was referred Senate Joint Resolution No. 6—Relative to forest reservation—have had the same under consideration and respectfully report the same back, and recommend that it be adopted as amended.

NUTT, Chairman.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

On motion of Senator Davis, Senate Joint Resolution No. 6—Relative to forest reservation—was taken up for the purpose of considering the committee amendment.

COMMITTEE AMENDMENT.

Amend by adding, after the last line, the following:

Resolved, That the Secretary of the Senate be and he is hereby directed to cause a certified copy of this resolution to be forwarded by mail to the President of the Senate, and the Speaker of the House of Representatives, of the Congress of the United States, and to each of our Senators and Representatives in Congress at Washington, D. C.

Amendment adopted.

Joint resolution, as amended, ordered to print and on file.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

On motion of Senator Lukens, Assembly Concurrent Resolution No. 1 was taken up for consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Relative to thanking the State Relief Committee for the Texas sufferers.

Resolved by the Senate and Assembly of the State of California, jointly, That Isaias W. Hellman, Claus Spreckels, William Alvord, F. W. Dohrmann, A. A. Watkins, Charles Nelson, Robert J. Tobin, and J. L. Flood, the members of the State Relief Committee for the Texas sufferers, appointed by His Excellency Henry T. Gage, Governor of the State of California, having given prompt and unselfish devotion to the humane work of arranging and furnishing aid from the sympathetic people of the State of California to the distressed citizens of Galveston, Texas, who were stricken by the awful devastation and storm of the 7th and 8th days of September, A. D. 1900, are hereby tendered the thanks of the Legislature of the State of California in appreciation of their diligence in relieving fellow countrymen prostrated by calamity.

Be it further resolved, That the Secretary of the Senate, upon the Assembly concurring in this resolution, send a copy of it to each of the members of the State Relief Committee, attested by the President of the Senate, the Speaker of the Assembly, and the Secretary and Clerk of the Senate and Assembly, respectively, with the common seal affixed, as a testimonial.

Concurrent resolution read.

The question being on its adoption.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selva, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced and referred to committees as indicated:

By Senator Cutter: Senate Bill No. 214—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Bill read first time, and referred to Committee on Drainage.

By Senator Selvage: Senate Concurrent Resolution No. 5—Relative to a committee to be appointed for the reception of the President and other officers of the United States Government and the State of Ohio, and the appropriation of money therefor.

Referred to Committee on Federal Relations.

By Senator Lukens: Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to the National Guard.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 216—An Act to amend Section 1895 of the Political Code of the State of California, relating to persons subject to military duty, and to those who may constitute military organizations in the service of the State of California.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Oneal: Senate Bill No. 217—An Act making an appropriation to study the life history of beneficial and injurious insects in the State of California.

Bill read first time, and referred to Committee on Agriculture.

Also: Senate Bill No. 218—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued from Justices' Courts, and by whom and how such summons may be served.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Bill No. 219—An Act to amend Section 487 of the Penal Code of the State of California, relating to grand larceny.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensations and liens of attorneys.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tyrell of Nevada (by request): Senate Bill No. 221—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating in the amendment to the compensation of officers of the counties of the thirty-seventh class.

Bill read first time, and referred to Committee on County Governments.

By Senator Wolfe: Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Lardner: Senate Bill No. 223—An Act to place the "Lake Tahoe Wagon Road" under the care, control, management, and supervision of the Department of Highways of the State of California; to provide for necessary alterations and extensions of said road, and the repair and construction of the road structures thereon, and making an appropriation therefor, all of which is for the benefit of the State of California.

Bill read first time, and referred to Committee on Highways.

Also: Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Bill read first time, and referred to Committee on Highways.

By Senator Goad: Senate Bill No. 225—An Act to provide an ice machine and cold storage plant for the Mendocino State Hospital, with the necessary connections and fittings, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 226—An Act to provide an electric plant for lighting the buildings and grounds of the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 227—An Act to appropriate \$25,000 for the erection of a connecting building at the Mendocino State Hospital.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 228—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital.

Bill read first time, and referred to Committee on Hospitals.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MINING.

SENATE CHAMBER, SACRAMENTO, January 15, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Senate Bill No. 127—An Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner, and to repeal certain former Acts relating to the subject-matter of this Act"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance, and retain place on file.

J. R. TYRRELL, Chairman.

Senate Bill No. 127 ordered referred to Committee on Finance, and on file.

ADJOURNMENT.

At two o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the Senate adjourned until eleven o'clock A. M. of Wednesday, January 16, 1901.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 16, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Tuesday, January 15, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, January 11, 1901, having been previously read and corrected, was approved.

MOTION.

Senator Wolfe moved to take up messages from the Assembly.
Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 3—Relative to the appointment of a committee on resolutions in relation to the death of Hon. Barnabas Collins—and, in accordance with the provisions thereof, appointed the following committee: Messrs. Rutherford, Dunlap, McNeil, Higby, and Cowan—and respectfully requests your concurrence therein.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 4—Relative to the appointment of a committee to take charge of all arrangements for the funeral of the late Hon. Barnabas Collins—and, in accordance with the provisions thereof, the Speaker appointed the following committee: Messrs. Schillig, Johnson, and Schlesinger, and respectfully requests your concurrence therein.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTIONS.

Senator Wolfe moved that the Senate immediately consider Assembly Concurrent Resolutions Nos. 3 and 4.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 4.

Relative to the appointment of joint committee to draft resolutions respecting the late Hon. Barnabas Collins.

WHEREAS, In the disposition of Providence a sad duty has this day fallen to our lot, arising from the death of our esteemed colleague, the Hon. Barnabas Collins; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Speaker of the Assembly appoint five members of the Assembly and the President of the Senate appoint five members of the Senate to act as a joint committee to draft suitable resolutions in memory of our late honored and esteemed colleague, Hon. Barnabas Collins.

Concurrent resolution read.

The question being on its adoption.

The roll was called, and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 4.

Relative to the appointment of joint committee to take charge of funeral of the late Hon. Barnabas Collins.

Resolved by the Assembly, the Senate concurring, That a committee of five, consisting of three members of the Assembly and two members of the Senate, to be named by the Speaker and the President of the Senate, respectively, be appointed to take charge of all arrangements for the funeral services of the late Hon. Barnabas Collins.

Concurrent resolution read.

The question being on its adoption.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF MEMBERS OF SPECIAL JOINT COMMITTEES.

The President of the Senate, in compliance with Assembly Concurrent Resolution No. 3, named Senators Devlin, Davis, Taylor, Wolfe, and Greenwell members of the joint committee to draft suitable resolutions; and in compliance with Assembly Concurrent Resolution No. 4, named Senators Maggard and Sims members of the joint committee on funeral arrangements; and thereupon directed the Secretary to forthwith inform the Assembly, by message, of the above appointments.

MOTION TO ADJOURN IN MEMORIAM.

Senator Maggard moved that when the Senate adjourn this day it do so out of respect to the memory of the late Hon. Barnabas Collins of Forest Ranch, Butte County, member of the present Legislature and representative of the Seventh Assembly District.

Motion unanimously carried by rising vote.

RESOLUTIONS.

The following resolutions were offered:

By Senator Simpson:

Resolved, That the Secretary of the Senate be and he is hereby instructed to purchase for the use of the committees named below the following supplies, the same to be paid for out of the contingent expenses of the Senate: For County Government and Township Organization, nine copies of Henning's County Government; for Municipal Corporations, nine copies of Finlayson's Street Law; for Banks and Banking, five copies of Magee's State Banks and Bank Officers.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Laird:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase for the Senate four dozen Royal index files.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the Senate committees eleven dozen Globe files, and two dozen perforators for the same. The Controller is hereby authorized to draw his warrant, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Caldwell:

Resolved, That the several sums set opposite the names of the following-named persons be and the same are hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying for labor performed and services rendered by the different persons mentioned herein, and the Controller is authorized to draw his warrants for the several amounts, and the Treasurer is directed to pay the same:

Name.	Position.	Days.	Rate.	Amount.
C. S. McMullen	Assistant Minute Clerk	6	\$6 00	\$36 00
J. G. McCall	Assistant Sergeant-at-Arms	2	5 00	10 00
J. C. Carter	Porter	2	3 00	6 00
Mrs. Kneedline	Janitress	5	3 00	15 00
Wm. Gamble	Porter	4	3 00	12 00
Tom Rogers, Sr.	Watchman	3	3 00	9 00
Tom Rogers, Jr.	Watchman	3	3 00	9 00
L. G. Jacobs	Porter	2	3 00	6 00
Frank G. Springer	Page	2	2 50	5 00
Rev. C. L. Miel	Chaplain	1	4 00	4 00
Hiram Clock	Porter	2	3 00	6 00
A. L. Dillon	Mail Carrier	2	3 00	6 00
Reed Baxter	Page	2	2 50	5 00
Munroe Gilman	Page	1	2 50	2 50
E. M. Smith	Page	1	2 50	2 50

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Smith of Kern:

Resolved, That the Secretary of State be and he is hereby authorized and instructed to deliver to the Secretary of the Senate forty-five sets of Constitutional Debates, for distribution to the Senators.

Resolution read, and, on motion of Senator Smith, adopted.

By Senator Cutter:

Resolved, That Max Harris be substituted as committee clerk in the place of Virgil Hatch, to date from January 9, 1901, and that the Controller be instructed to cancel warrant No. 6143, drawn in favor of said Virgil Hatch, for services for week ending January 12, 1901.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens,

Maggard, Nelson, Nutt, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—31.
NOS—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 15, 1901.

MR. PRESIDENT: Your Committee on Rules beg leave to report that, in conjunction with a like committee of the Assembly, it has had under consideration the following "Joint Rules," and recommends the adoption of the same by the Senate, said Joint Rules to take effect upon their adoption by the Assembly:

JOINT RULES.

1. *Joint Address to Governor.*

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both houses.

2. *Bill or Resolution in One House, Rejected in the Other, Requires Notice.*

When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given to the house in which the same shall have passed.

3. *Rejected Bill Requires Five Days' Notice and Two-thirds Vote for Reintroduction.*

When a bill or resolution which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session without notice of five days and leave of two thirds of that house in which it shall be renewed.

4. *Each House to Transmit Papers.*

Each house shall transmit to the other papers on which any bill or resolution shall be founded.

5. *Disagreement, Adhered to, Defeats the Bill.*

After each house shall have once adhered to its disagreement, a bill or resolution shall be lost.

6. *No Appropriation Except by Bill.*

No appropriation of money, for any purpose whatever, shall be made except by bill.

7. *Joint and Concurrent Resolutions.*

Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

8. *Joint Resolutions Treated as Bills.*

All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

9. *Amendments to Amended Bills Must be Attached.*

Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed, "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

10. *Bills Read and Referred to Committee.*

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk, and referred to a standing committee.

11. *Special File.*

After the 8th day of February, 1901, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly, and in the Assembly only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p. m. of each day, and be considered one hour and a half after being so taken up.

This rule shall not be suspended in either house except by a two-thirds vote of such house.

12. *Fees Allowed in Cases of Contest.*

Whenever, in the Senate or Assembly, a contest is made for the seat of any Senator

or Assemblyman, no more than \$200 shall be allowed as counsel fees for the sitting member and \$100 for the contesting member, regardless of who is seated.

13. Bills Not to be Printed for Engrossment Unless Amended.

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

14. Clerk to Attach Amendments to Bill.

If a Senate bill shall have been amended by the Assembly, the Clerk of the Assembly shall attach the amendments adopted by the Assembly to the Senate bill.

15. Secretary to Attach Amendments to Bill.

If an Assembly bill shall have been amended by the Senate, the Secretary of the Senate shall attach the amendments adopted by the Senate to the Assembly bill.

16. After a Bill Has Been Passed by the Senate or Assembly.

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall report it within ten days, if received on or before January 30th, and within five days, if received after January 30th, unless otherwise ordered by the Senate or Assembly.

17. Clerk to Return Bill to Senate.

After a Senate bill has passed the Assembly, or has been refused passage by the Assembly, the Clerk of the Assembly shall, after making the proper indorsement thereon and the proper entries in the Register of Bills, return the bill to the Senate, and in the Assembly message, which must accompany same, mention the action taken by the Assembly.

18. Secretary to Return Bill to Assembly.

After an Assembly bill has passed the Senate, or has been refused passage by the Senate, the Secretary of the Senate shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Assembly, and in the Senate message, which must accompany same, mention the action taken by the Senate.

19. To Concur or Refuse to Concur in Amendments.

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

20. When Amendments are Concurred In.

If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

21. When Senate or Assembly Refuse to Concur.

If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

22. Committee on Conference.

In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the said committee.

23. Free Conference Committee.

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference is hereby empowered to suggest in their report any new amendments which they may adopt as a committee, but such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall not be subject to amendment in either house.

24. When Conference Committee Report Is in Order.

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed, and shall be determined without debate.

25. Messages Must Be Announced by the Assistant Sergeant-at-Arms.

When a message shall be sent from either house it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

26. Secretary, Clerk, etc., to Carry Messages.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

27. Notices to Be on Paper, Over Proper Signature.

Notice of the action of either house to the other shall be on paper, and over the signature of the Secretary or Clerk of the house from which such notice is to be conveyed

28. Enrolled Bills to Receive Signature of Proper Officer.

After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated, before it shall be presented to the Governor of the State.

29. Enrolling Committee to Compare.

When bills are enrolled they shall be reexamined by the Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

30. President and Speaker to Sign Bills.

After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

31. Enrolling Committee to Present Bills to Governor.

After a bill shall have thus been signed in each house, it shall be presented by the Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day, hour, and minute of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

32. Daily History of Bills, Etc.

There shall be printed daily, by both the Senate and Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed by the Secretary of the Senate and Clerk of the Assembly, jointly, and no other form shall be used.

33. Secretary and Clerk to Keep Register.

The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

34. Secretary and Clerk Shall Indorse Bills.

The Secretary of the Senate and Clerk of the Assembly shall indorse, on every original bill, a statement of any action taken by the Senate and Assembly.

35. Adjournment *Sine Die*.

An adjournment *sine die* shall only be made by concurrent resolution.

36. Dispensing With Joint Rules.

No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule, a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action; or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negated.

Your committee further respectfully informs you that the following are the changes made in the Joint Rules from those of the last session:

In Rule 11, insert "February 8, 1901," instead of present date.

In Rule 16, insert "January 30, 1901."
In Rule 22, strike out the word "house," and insert the word "committee."
In Rule 23, strike out all after "house" in last paragraph.
In Rule 31, insert "hour" and "minute" after word "day."
In Rule 32, after word "prescribed," insert "by the Secretary of the Senate and the Clerk of the Assembly, jointly."

BETTMAN, Chairman.

SPECIAL ORDER SET.

On motion of Senator Bettman, the consideration of the Joint Rules, as submitted by the Committee on Rules, was made the special order for Thursday, January 17, 1901, immediately after the reading of the Journal.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 16, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Also: Senate Bill No. 117—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Concurrent Resolution No. 3—Approving the charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 19th day of October, A. D. 1899—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

TAYLOR, Chairman.

Senate Bills Nos. 115 and 117 ordered on file for second reading.
Senate Concurrent Resolution No. 3 ordered on file for adoption.

REFERENCE OF BILLS.

On motion of Senator Smith of Kern, Senate Bill No. 200, heretofore referred to Committee on Commerce, was withdrawn from that committee and referred to Committee on Revenue and Taxation.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Shortridge: Senate Bill No. 229—An Act to amend Sections 5 and 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties in this State, for the improvement of and rectification of the channels of unnavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Bill read first time, and referred to Committee on Commerce.

By Senator Nutt: Senate Bill No. 230—An Act to amend Section 3442 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 231—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication, and the taking of affidavits to be used in procuring the order for publication of summons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 232—An Act to amend Section 850 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 233—An Act to amend Section 14 of the Civil Code, defining the meaning of certain words used in said code.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 234—An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 235—An Act to amend Section 833 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 236—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 237—An Act to amend Section 2003 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 238—An Act to pay the claim of Thomas J. Walsh, for conveying the election returns of Presidential Electors to Sacramento.

Bill read first time, and referred to Committee on Finance.

By Senator Currier: Senate Bill No. 239—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property, in accordance with agreements between the creditors of the districts and property owners therein.

Bill read first time, and referred to Committee on Irrigation.

By Senator Davis: Senate Bill No. 240—An Act amending Section 3658 and repealing Section 3764 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Sims: Senate Bill No. 241—An Act to add a new section to the Penal Code, the said section to be designated 357½, relating to the marking and branding, or altering, changing, or defacing marks and brands on domestic animals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 242—An Act to amend Section 357 of the Penal

Code, relating to marking and branding, changing, altering, or defacing the marks and brands of domestic animals.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 243—An Act to amend sections 628, 632, and 635 of the Penal Code and to add thereto a new section numbered 636, all relating to the preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Simpson: Senate Bill No. 244—An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same be kept," approved February 9, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Senator Byrnes: Senate Bill No. 245—An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 246—An Act to amend Section 638 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 247—An Act adding eighteen new sections to the Political Code, to be numbered, consecutively, 1357 to 1374, both inclusive, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections, and repealing all Acts inconsistent therewith, and also repealing Sections 1118 and 1119, and Sections 1357 to 1380, both inclusive, of the Political Code.

Bill read first time, and referred to Committee on Elections.

By Senator Sims: Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Constitutional Amendment No. 7—A resolution to propose an amendment to Section 8 of Article XI of the Constitution of the State of California—relating to the framing of a charter for cities of more than three thousand five hundred inhabitants.

Referred to Committee on Constitutional Amendments.

SENATE JOINT RESOLUTION.

By Senator Taylor:

SENATE JOINT RESOLUTION No. 9.

Relating to the improvement of Oakland harbor.

Resolved by the Senate and the Assembly, jointly, That our Senators and Representatives in Congress be requested to use their best endeavors to secure an adequate appropriation, by the Congress now in session, for the purpose of deepening and enlarging the Oakland harbor; and be it further

Resolved, That the Secretary of the Senate of the State of California be directed to forward a copy of this resolution to our Congressional delegation, by telegraph.

Referred to Committee on Commerce.

ADJOURNMENT.

At eleven o'clock and thirty-five minutes A. M., Senator Leavitt moved to adjourn until to-morrow at eleven o'clock A. M.

Motion carried.

Whereupon the President declared the Senate adjourned out of respect to the memory of the late member of the Assembly, Hon. Barnabas Collins, until eleven o'clock A. M. of Thursday, January 17, 1901.

IN SENATE.

SENATE CHAMBER,
Thursday, January 17, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock and thirty minutes A. M.

Hon. Thos. Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunket, Rowell, Selva, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel of Sacramento.

READING OF THE JOURNAL.

The Journal of Wednesday, January 16, 1901, was read.

LEAVE OF ABSENCE.

Senator Oneal was granted a leave of absence for the day, on motion of Senator Tyrrell of San Francisco.

Senator Goad was granted a leave of absence until Tuesday, January 22, 1901, on motion of Senator Cutter.

APPROVAL OF JOURNAL.

The Journal of Monday, January 14, 1901, having been previously read and corrected, was approved.

CONSIDERATION OF SPECIAL ORDER.

The hour set for the consideration of the proposed Joint Rules of the Senate and Assembly, as reported by the Committee on Rules and printed in the Journal of yesterday, having arrived, the same were taken up for consideration.

AMENDMENT.

The proposed Joint Rules having been previously read, Senator Nutt moved to amend as follows:

Amend Rule 23, last paragraph, by striking out the words "not be subject to amendment in either house," and inserting in lieu thereof the words "be final, and must be accepted as such."

Amendment adopted.

Senator Bettman moved the adoption of the proposed Joint Rules, as amended, as the Joint Rules of Senate and Assembly.

The roll was called, with the following result:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—33.

NOES—None.

Whereupon the President pro tem. declared the following adopted by the Senate as the Joint Rules of Senate and Assembly:

JOINT RULES.

1. *Joint Address to Governor.*

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both houses.

2. *Bill or Resolution in One House, Rejected in the Other, Requires Notice.*

When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given to the house in which the same shall have passed.

3. *Rejected Bill Requires Five Days' Notice and Two-thirds Vote for Reintroduction.*

When a bill or resolution which has been passed in one house shall be rejected in the other, it shall not be brought in during the same session without notice of five days and leave of two thirds of that house in which it shall be renewed.

4. *Each House to Transmit Papers.*

Each house shall transmit to the other papers on which any bill or resolution shall be founded.

5. *Disagreement, Adhered to, Defeats the Bill.*

After each house shall have once adhered to its disagreement, a bill or resolution shall be lost.

6. *No Appropriation except by Bill.*

No appropriation of money, for any purpose whatever, shall be made except by bill.

7. *Joint and Concurrent Resolutions.*

Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

8. *Joint Resolutions Treated as Bills.*

All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each house.

9. *Amendments to Amended Bills Must be Attached.*

Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

10. *Bills Read and Referred to Committee.*

When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk, and referred to a standing committee.

11. *Special File.*

After the 8th day of February, 1901, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly, and in the Assembly only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered one hour and a half after being so taken up.

This rule shall not be suspended in either house except by a two-thirds vote of such house.

12. *Fees Allowed in Cases of Contest.*

Whenever, in the Senate or Assembly, a contest is made for the seat of any Senator or Assemblyman, no more than \$200 shall be allowed as counsel fees for the sitting member and \$100 for the contesting member, regardless of who is seated.

13. *Bills Not to be Printed for Engrossment Unless Amended.*

Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

14. *Clerk to Attach Amendments to Bill.*

If a Senate bill shall have been amended by the Assembly, the Clerk of the Assembly shall attach the amendments adopted by the Assembly to the Senate bill.

15. *Secretary to Attach Amendments to Bill.*

If an Assembly bill shall have been amended by the Senate, the Secretary of the Senate shall attach the amendments adopted by the Senate to the Assembly bill.

16. *After a Bill Has Been Passed by the Senate or Assembly.*

When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall report it within ten days if received on or before January 30th, and within five days if received after January 30th, unless otherwise ordered by the Senate or Assembly.

17. *Clerk to Return Bill to Senate.*

After a Senate bill has passed the Assembly, or has been refused passage by the Assembly, the Clerk of the Assembly shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Senate, and in the Assembly message, which must accompany same, mention the action taken by the Assembly.

18. *Secretary to Return Bill to Assembly.*

After an Assembly bill has passed the Senate, or has been refused passage by the Senate, the Secretary of the Senate shall, after making the proper indorsements thereon and the proper entries in the Register of Bills, return the bill to the Assembly, and in the Senate message, which must accompany same, mention the action taken by the Senate.

19. *To Concur or Refuse to Concur in Amendments.*

In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill), or the Assembly (if it be an Assembly bill), must either "concur" or "refuse to concur" in the amendments.

20. *When Amendments are Concurred In.*

If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

21. *When Senate or Assembly Refuse to Concur.*

If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a Committee on Conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The Committee on Conference shall report to both the Senate and Assembly.

22. *Committee on Conference.*

In every case of an amendment of a bill agreed to in one house, and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the said committee.

23. *Free Conference Committee.*

If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference is hereby empowered to suggest in their report any new amendments which they may adopt as a committee, but such amendments made by such committee shall be attached to the bill.

The report of the Committee on Free Conference shall be final, and must be accepted as such.

24. *When Conference Committee Report Is in Order.*

The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed, and shall be determined without debate.

25. *Messages Must Be Announced by the Assistant Sergeant-at-Arms.*

When a message shall be sent from either house it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

26. *Secretary, Clerk, etc., to Carry Messages.*

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

27. *Notices to Be on Paper, Over Proper Signature.*

Notice of the action of either house to the other shall be on paper, and over the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

28. *Enrolled Bills to Receive Signature of Proper Officer.*

After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated, before it shall be presented to the Governor of the State.

29. *Enrolling Committee to Compare.*

When bills are enrolled they shall be reexamined by the Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

30. *President and Speaker to Sign Bills.*

After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

31. *Enrolling Committee to Present Bills to Governor.*

After a bill shall have thus been signed in each house, it shall be presented by the Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day, hour, and minute of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

32. *Daily History of Bills, Etc.*

There shall be printed daily, by both the Senate and Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed by the Secretary of the Senate and Clerk of the Assembly, jointly, and no other form shall be used.

33. *Secretary and Clerk to Keep Register.*

The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

34. *Secretary and Clerk Shall Indorse Bills.*

The Secretary of the Senate and Clerk of the Assembly shall indorse, on every original bill, a statement of any action taken by the Senate and Assembly.

35. *Adjournment Sine Die.*

An adjournment *sine die* shall only be made by concurrent resolution.

36. *Dispensing with Joint Rules.*

No joint rule shall be dispensed with except by vote of two thirds of each house; and if either house shall violate a joint rule, a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action; or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Your committee further respectfully informs you that the following are the changes made in the Joint Rules from those of the last session:

In Rule 11, insert "February 8, 1901," instead of present date.

In Rule 16, insert "January 30, 1901."

In Rule 22, strike out the word "house," and insert the word "committee."

In Rule 23, strike out all after "house" in last paragraph.

In Rule 31, insert "hour" and "minute" after word "day."

In Rule 32, after word "prescribed," insert "by the Secretary of the Senate and the Clerk of the Assembly, jointly."

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 17, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 4—Approving the charter of City of Pasadena—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

TAYLOR, Chairman.

SUSPENSION OF RULES.

Senator Simpson moved that the rules be suspended for the purpose of immediately considering Senate Concurrent Resolution No. 4.

Senator Rowell moved to amend the motion so as to include Senate Concurrent Resolution No. 3, approving charter of City of Fresno, heretofore favorably reported back by the same committee.

Amendment accepted.

The question being on the motion, as amended, to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutler, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

NOES—None.

CONSIDERATION OF CONCURRENT RESOLUTIONS.

The Secretary was directed to read Senate Concurrent Resolution No. 4.

SENATE CONCURRENT RESOLUTION No. 4,

Approving the charter of the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 20th day of November, A. D. 1900.

WHEREAS, The City of Pasadena, a municipal corporation, in the County of Los Angeles, State of California, is now, and was at all the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the eleventh day of May, nineteen hundred, in accordance with law, and the provisions of section eight of article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was, on August sixth, nineteen hundred, signed in duplicate by a majority of all the members of said board of fifteen freeholders, to wit: fourteen mem-

bers of said board, and was on the eighth day of August, nineteen hundred, duly returned to and filed with the President of the Board of Trustees of the City of Pasadena, and one copy thereof returned to and filed with the County Recorder of said County of Los Angeles; and

WHEREAS, Such proposed charter was then published in two daily newspapers of general circulation in said City of Pasadena, to wit: "The Pasadena Evening Star," and "Pasadena Daily News" for more than twenty days, and the first publication thereof was made within twenty days after the completion of the said charter; and

WHEREAS, Said charter was within not less than thirty days after the completion of said publication submitted by the said Board of Trustees of the City of Pasadena to the qualified electors of the said city at a special election previously duly called and thereafter held therein on the twentieth day of November, A. D. nineteen hundred; and

WHEREAS, At said election a majority of such qualified electors voting thereat did vote in favor of and duly ratified said charter so proposed; and

WHEREAS, Said Board of Trustees after canvassing said returns duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of said State; and

WHEREAS, The said charter so ratified is in the words and figures following, to wit:

CHARTER FOR THE CITY OF PASADENA.

ARTICLE 1.

BOUNDARIES OF THE CITY AND OF THE WARDS, AND GENERAL POWERS.

SECTION 1. The municipal corporation now existing, known as the City of Pasadena, shall continue to be a body corporate and politic under the name of the City of Pasadena, and with the following boundaries, to wit:

Beginning at a stone monument in the west bank of the Arroyo Seco, said monument being fifty-three hundred and four and four-tenths ($5304\frac{4}{10}$) feet north $89^{\circ} 51'$ west from the northwesterly corner of block marked "T" of the subdivision of lands belonging to J. H. Painter and B. F. Ball, as per map recorded in Book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California; thence running south $89^{\circ} 51'$ east, fifty-three hundred and four and four-tenths ($5304\frac{4}{10}$) feet to the said northwesterly corner of Block "T"; thence running south $34^{\circ} 06'$ east along the westerly boundary line of the said subdivision of lands belonging to J. H. Painter and B. F. Ball to a point, said point being six hundred and sixty (660) feet south of the south line of Mountain Street as shown on the map of the said subdivision of lands of J. H. Painter and B. F. Ball, as recorded in Book 4, page 549 of Miscellaneous Records of Los Angeles County, State of California; thence running easterly on a line parallel with the south line of said Mountain Street to a point, said point being six hundred and sixty (660) feet easterly from the east line of Lake Avenue as originally laid out as a fifty (50) foot street; thence running southerly and parallel with the said east line of Lake Avenue to a point in the south line of San Pasqual Street, said point being the northeast corner of lot numbered twelve (12) of Block "L," of the San Pasqual tract of Lake Vineyard Land and Water Association lands, as shown on map as recorded in Book 3, page 315 of Miscellaneous Records of Los Angeles County, State of California; thence running west along the north line of said lot numbered twelve (12) four hundred and fifty and six-tenths ($450\frac{6}{10}$) feet to a point, said point being one hundred and ninety-three and four-tenths ($193\frac{4}{10}$) feet east from the present southeast corner of Lake Avenue and San Pasqual Street; thence running southeasterly to a point in the south line of California Street, said point being distant four hundred and twenty-four and five-tenths ($424\frac{5}{10}$) feet east of the southeast corner of Lake Avenue and California Street, and also being the northwest corner of lot numbered one (1) C. K. Meneely's subdivision as per map recorded in Book 30, page 21 of Miscellaneous Records of Los Angeles County, State of California; thence running south $17^{\circ} 04'$ east, thirteen hundred and sixty-one (1361) feet along the westerly line of said C. K. Meneely's subdivision and the easterly line of the Merrill and Leighton subdivision as per map recorded in Book 22, page 75 of Miscellaneous Records of Los Angeles County, State of California, and a prolongation thereof to a white oak tree two feet in diameter; thence running south 20° east, three hundred and eighteen (318) feet, more or less, to a point in the south boundary line of said San Pasqual tract of Lake Vineyard Land and Water Association lands, said point being three hundred and sixteen and eight-tenths ($316\frac{8}{10}$) feet west of the southeast corner of lot numbered six (6) of block "R" of San Pasqual tract of Lake Vineyard Land and Water Association lands; thence running along the southerly and easterly boundary line of said San Pasqual tract of Lake Vineyard Land and Water Association lands as follows, to wit: West twenty-one hundred and sixty-seven and forty-four hundredths ($2167\frac{44}{100}$) feet, south $10^{\circ} 45'$ west twenty-two hundred and six and thirty-eight hundredths ($2206\frac{38}{100}$) feet, south 85° west twenty-five hundred and fifty-four and eighty-six hundredths ($2554\frac{86}{100}$) feet, north $52^{\circ} 37'$ west, eight hundred and eighty-five and seventy-two hundredths ($885\frac{72}{100}$) feet to a point on the southeasterly boundary line of lot

numbered twelve (12) of block "N" of said San Pasqual tract of Lake Vineyard Land and Water Association lands; thence running south $35^{\circ} 45'$ west along the easterly boundary line of said lot numbered twelve (12) and a prolongation of the said east boundary line ten hundred and twenty-eight and eight-tenths ($1028\frac{8}{10}$) feet, more or less, to an intersection with the south line of Columbia Street extended east, as shown on a map of San Gabriel Orange Grove Association lands as recorded in Book 2, page 558 of Miscellaneous Records of said Los Angeles County; thence running west along the said south line of Columbia Street, its extension and a prolongation thereof to a point in the west bank of the Arroyo Seco, said point being an intersection of a line which is a prolongation of the said south line of Columbia Street with the westerly line of lot numbered fifty-nine (59) of a plat of land in the Arroyo Seco (known as Arroyo Wood lots) as per map recorded in Book 3, page 282, of Miscellaneous Records of Los Angeles County; thence running northerly along the westerly boundary line of said plat of land in the Arroyo Seco to the northwesterly corner of lot numbered thirty-three (33) of said plat of land in the Arroyo Seco, as per map recorded in Book 3, page 281, of Miscellaneous Records of Los Angeles County; thence running north $24^{\circ} 12'$ east, three hundred and twenty-four (324) feet to a stake; thence running north $42^{\circ} 20'$ east, two hundred and ninety-six and three-tenths ($296\frac{3}{10}$) feet to a stake; thence running north $60^{\circ} 35'$ east five hundred and twelve (512) feet to a stake; thence running north $36^{\circ} 40'$ east, two hundred and six and six-tenths ($206\frac{6}{10}$) feet to a stake; thence running north $24^{\circ} 38'$ east, one hundred and eighty-six and eight-tenths ($186\frac{8}{10}$) feet; thence running north $60^{\circ} 38'$ east, two hundred and forty and five-tenths ($240\frac{5}{10}$) feet to a stake; thence running north $26^{\circ} 14'$ east, four hundred and thirty-six and six-tenths ($436\frac{6}{10}$) feet to a stake; thence running north $67^{\circ} 47'$ west, three hundred and eighty-one and one-tenth ($381\frac{1}{10}$) feet to a stake; thence running north $36^{\circ} 44'$ west, one hundred and thirty-eight and four-tenths ($138\frac{4}{10}$) feet to a stake; thence running north $23^{\circ} 11'$ west, one hundred and seventy-eight and one-tenth ($178\frac{1}{10}$) feet to a stake; thence running north $21^{\circ} 14'$ east, six hundred and forty-one and seventy-five hundredths ($641\frac{75}{100}$) feet to a stake; thence running north $4^{\circ} 40'$ west, three hundred and eighty-nine and three-tenths ($389\frac{3}{10}$) feet to a stake; thence running north $30^{\circ} 40'$ west, two hundred and forty-three and four-tenths ($243\frac{4}{10}$) feet to a stake; thence running north $11^{\circ} 35'$ west four hundred and eight (408) feet to a stake, thence running north $17^{\circ} 15'$ west, one hundred and six and four-tenths ($106\frac{4}{10}$) feet to a stake; thence running north $41^{\circ} 37'$ west, two hundred and twenty-five and five-tenths ($225\frac{5}{10}$) feet to a stake; thence running north $11^{\circ} 19'$ west two hundred and forty-four and six-tenths ($244\frac{6}{10}$) feet to a stake; thence running north $0^{\circ} 48'$ west, one hundred and sixty-six and seven-tenths ($166\frac{7}{10}$) feet to a stake; thence running north $21^{\circ} 41'$ west, one hundred and seventeen and five tenths ($117\frac{5}{10}$) feet to a stake; thence running north $59^{\circ} 17'$ west, four hundred and forty-two and two-tenths ($442\frac{2}{10}$) feet to a stake; thence running north $25^{\circ} 44'$ west, seven hundred and seventy-six and four-tenths ($776\frac{4}{10}$) feet to a stake; thence running north $15^{\circ} 36'$ west, eight hundred and fourteen and eight-tenths ($814\frac{8}{10}$) feet to a stake; thence running north $35^{\circ} 46'$ west, one hundred and ninety-six and six-tenths ($196\frac{6}{10}$) feet to a stake; thence running north $14^{\circ} 37'$ west, seven hundred and eighty-nine and five-tenths ($789\frac{5}{10}$) feet to a stone monument and place of beginning.

SEC. 2. The city shall be divided into four wards, as follows, to wit:

The First Ward, which shall include all that portion of the city which lies north of the center line of Colorado Street, and east of the center line of Raymond Avenue.

The Second Ward, which shall include all that portion of the city which lies west of the center line of Raymond Avenue, and north of the center line of Colorado Street, and the said center line of Colorado Street produced westerly to the west city limits.

The Third Ward, which shall include all that portion of the city which lies south of the center line of Colorado Street, and east of the center line of Raymond Avenue, and the said center line of Raymond Avenue produced southerly to the south city limits.

The Fourth Ward, which shall include all that portion of the city which lies south of the center line of Colorado Street, and the said center line of Colorado Street produced westerly to the west city limits, and west of the center line of Raymond Avenue, and the said center line of Raymond Avenue produced southerly to the south city limits.

The City Council shall have power to change the boundaries of the said wards by ordinance adopted as other ordinances are required to be adopted under this charter; provided, that the said boundaries shall not be changed oftener than once in three years.

GENERAL POWERS.

SEC. 3. The said city shall continue vested with all the property of every kind now belonging to it and shall have the power:

First—To have perpetual succession.

Second—To have and use a corporate seal and alter it at pleasure.

Third—To sue and be sued in all courts and places and in all actions and proceedings whatever.

Fourth—To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description both within and without the limits of said city and control and dispose of the same for the common benefit.

Fifth—To receive bequests, devises and donations of property of every kind either absolutely or in trust for charitable or other purposes and do all acts necessary to carry out the purpose of such bequests, devises and donations and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

Sixth—To erect, construct and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, workhouses, morgues and crematories.

Seventh—To improve and maintain public parks, cemeteries and sewer farms, to regulate the same and to exclude cemeteries from the limits of the city or any portion thereof and to discontinue the same.

Eighth—To construct and maintain water works, pipes, pipe-lines, aqueducts and hydrants for supplying the city and its inhabitants with water, and for supplying water to such persons who live without the city limits but along or adjacent to any pipe, pipe-line or aqueduct used in supplying the city or its inhabitants with water.

Ninth—To construct and maintain gas and electric works for supplying the city and its inhabitants with light, heat and power.

Tenth—To construct and maintain works for supplying the city and its inhabitants with telephonic and telegraphic service.

Eleventh—To construct, maintain and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary and proper in the operation, management and control of the same.

Twelfth—To provide for the care of the sick and helpless and to make regulations to prevent the spread of epidemic and contagious diseases.

Thirteenth—To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, surface, resurface and improve streets, alleys, sidewalks, crossings and other highways and public squares and places and to make provisions for cleaning and sprinkling the same.

Fourteenth—To construct and maintain sewers, drains and all other works necessary for the disposition of sewage and to construct and maintain garbage crematories and other works for the disposition or destruction of garbage.

Fifteenth—To levy and collect taxes upon property for all municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said city or for school purposes, shall not exceed one dollar on each one hundred dollars' worth of taxable property in the said city except as hereinafter provided. And to levy and collect assessments upon property to pay for the grading, regrading, laying out, opening, widening, extending, and improving of streets, alleys, sidewalks, crossings and other highways and public squares and places, and the construction of sewers, water, gas and other pipes and conduits therein.

Sixteenth—To create, subject to the restrictions and limitations in the Constitution of the State of California and in this charter hereinafter contained, indebtedness not exceeding in all fifteen per centum of the assessed value of all the real and personal property in the said city subject to assessment for taxation for municipal purposes to pay the costs of municipal improvements, the acquisition of public utilities or for any purpose whatever requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy.

Seventeenth—To levy taxes exceeding the limit permitted in this charter; *provided*, that before such levy can be made the proposition to make such levy shall have been first approved by two thirds of the qualified electors of the city voting at a special election called for that purpose by the city council.

Eighteenth—To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of said city and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades, callings, occupations and kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress or prohibit hawking and peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, planing-mill, rolling-mill, oil well, tank or refinery, foundry, brickyard, slaughter house, butcher-shop and the keeping of bees, cattle or poultry within the limits or within any designated portion of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, saloons, bars, bar-rooms or other places where spirituous, malt, vinous, or other intoxicating liquors are sold or given away, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

Nineteenth—To create offices other than those established by this charter or by the general law, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election or appointment, and to fix the compensation of the officers to fill the same.

Twentieth—To make, adopt, and enforce all necessary rules and regulations for the prevention of fires, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals, and preserve the health of the inhabitants of the city.

Twenty-first—To prescribe the manner in which the times at which, and the places where elections shall be held in such city, and to appoint the officers to conduct such elections and provide for their compensation.

Twenty-second—To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; *provided, however*, that such fine shall not

exceed the sum of five hundred (\$500.00) dollars and such imprisonment shall not exceed six months.

Twenty-third—To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights, and water works, within or without the corporate limits, necessary or convenient for the use of the said city or its inhabitants.

Twenty-fourth—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government whether such powers are herein expressly enumerated or not.

ARTICLE 2.

OFFICERS.

SECTION 1. The officers of the city shall be:

Mayor.

Five members of the City Council.

City Treasurer, who shall be ex officio City Tax and License Collector.

City Clerk.

City Attorney.

Judge of the Police Court.

City Auditor, who shall be ex officio City Assessor.

City Engineer.

Superintendent of Streets.

Board of Commissioners, consisting of five members, who shall have control of the park, water, fire, and police departments of the city government.

Board of Education, consisting of five members.

Board of Library Trustees, consisting of five members.

Board of Health, consisting of five members.

SEC. 2. Every officer provided for in this charter shall, within ten days after receiving his certificate of election or appointment, qualify by giving the bond required by this charter, or the ordinances of the city, and by taking and subscribing to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of California, and I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

ARTICLE 3.

SALARIES OF OFFICERS.

SECTION 1. The officers of the city, in this section named, shall receive in full compensation for all services of every kind rendered by them the following salaries, payable in equal monthly installments at the end of each calendar month, viz:

The Mayor, fifteen hundred dollars per annum.

Each member of the Council, three dollars for each regular meeting of the Council which such member shall attend; *provided*, that the number of such regular meetings for which compensation shall be paid shall not exceed five during any month.

City Treasurer and ex officio City Tax and License Collector, one thousand dollars per annum.

City Clerk, twelve hundred dollars per annum.

SEC. 2. The members of the Board of Commissioners, the members of the Board of Education, the members of the Board of Library Trustees, and the members of the Board of Health, shall serve without compensation.

SEC. 3. In all cases, not otherwise provided for by this charter, the City Council shall, by ordinance, fix the salaries or other compensation of officers and employes.

SEC. 4. No officer of the city shall be compensated by fees or commissions, but only by a fixed salary, payable monthly.

SEC. 5. No officer or employe of the city shall receive or accept any fee, recompense or compensation for the discharge of any duty of his office from any person or corporation other than the city.

ARTICLE 4.

BONDS OF OFFICERS.

SECTION 1. Officers and employes of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this charter, or ordinance of the city.

SEC. 2. When the amount of the bond is not fixed by law or by this charter, it shall be fixed by an ordinance of the City Council.

SEC. 3. Every bond given by any officer or employe must be approved as to form by the City Attorney, and all bonds, excepting the bond of the Auditor, must be approved by the Mayor and Auditor. The bond of the Auditor must be approved by the Mayor. The approval of every official bond must be indorsed thereon and signed by the officers approving the same. Upon the approval of a bond it must be recorded in the office of the City Clerk in a book kept for that purpose. After recording, the bond of the Auditor

shall be filed and kept in the office of the City Clerk. All other official bonds shall be filed and kept in the office of the Auditor.

SEC. 4. The following named officers shall execute official bonds to the city with sureties in the following sums, viz:

The City Treasurer and ex officio City Tax and License Collector in the sum of seventy-five thousand dollars, the City Clerk in the sum of ten thousand dollars, the City Auditor and ex officio City Assessor in the sum of ten thousand dollars, the City Engineer in the sum of five thousand dollars, the Superintendent of Streets in the sum of ten thousand dollars.

SEC. 5. The City Council may at any time by ordinance increase the penal sum of any such bonds.

SEC. 6. No city officer, deputy or employé shall be accepted as surety for any other city officer, deputy or employé on any official bond. Every such bond shall contain a condition that the principal will perform all official duties, then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such. Such bond must also be executed by two or more sureties, who shall justify in the amount required for said bond; but, when the amount of the bond is more than five thousand dollars, the sureties may become severally liable for portions thereof, not less than twenty-five hundred dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawfully authorized surety companies described in sections ten hundred and fifty-six and ten hundred and fifty-seven of the Code of Civil Procedure of the State of California.

SEC. 7. Every surety upon an official bond, other than such lawfully authorized surety companies, must make an affidavit which shall be indorsed upon such bond, that he is a resident of the county of Los Angeles, and that he is the owner of real estate therein, and that he is worth in property situated in said county, exclusive of incumbrances thereon, double the amount of his undertaking, over and above all sums for which he is already liable, or in any manner bound, whether as principal, indorser, or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the aforesaid officers whose duty it is to approve such bonds.

SEC. 8. The City Council may, by resolution adopted at a regular meeting, require of any officer or employé an additional bond whenever in the opinion of such Council the bond given by such official or employé for any reason becomes insufficient.

SEC. 9. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants, or clerks appointed by him, and may exact for his protection bonds from such deputies, assistants, and clerks.

SEC. 10. Where not otherwise provided by this charter, the Council may by ordinance require any officer, deputy, assistant clerk or employé of the city, or of any of its departments, to give to the city bonds for the faithful performance of official duty, and may fix the amount of such bonds, and prescribe the conditions thereof, but the qualifications of sureties thereto shall be as otherwise prescribed in this article in respect to the official bonds required hereunder.

ARTICLE 5.

EXECUTIVE DEPARTMENT.

Mayor.

SECTION 1. The chief executive officer of the city shall be designated the Mayor. He shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the five years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for two years, and until his successor is elected and has qualified.

SEC. 2. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcations or willful neglect of duty, or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the City Council, in order that the public interests may be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the City Council information, in writing, relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have the books and records of all public departments pertaining to the finances of the city examined by a competent person at least once in every year. Any person refusing to submit to or to permit such examination, or purposely delaying or impeding the same, may be sus-

pended from office by the Mayor and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted.

SEC. 3. He shall take all proper measures for the preservation of public order and suppression of all riots and tumults.

SEC. 4. The Mayor, with the approval of the Council, shall appoint all officers of the city whose election or appointment is not otherwise specifically provided for in this charter or by law. When a vacancy occurs in any office, and provision is not otherwise made in this charter or by law for filling the same, the Mayor, with the approval of the Council, shall appoint a suitable person to fill such vacancy, who shall possess the qualifications prescribed for such office and who shall hold office for the remainder of the unexpired term.

SEC. 5. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. He shall have the general supervision of all city officers elected or appointed. He shall discharge such other duties and do such other things as are required of him by any of the provisions of this charter.

SEC. 6. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Council shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for that purpose. A member of the Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

City Treasurer, Tax and License Collector.

SEC. 7. The Treasurer shall be ex officio Tax and License Collector. He shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the five years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified.

SEC. 8. The Treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise, and pay the same out, on demands properly audited, in the manner provided for in this charter, and without such auditing he shall disburse no public money whatever, except the principal and interest on the bonded indebtedness of the city when the same shall be payable; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance; he shall make a monthly statement to the City Council of all his receipts and disbursements during the preceding month, and shall do all things required of him by this charter and the ordinances of the city.

SEC. 9. As soon as suitable vaults are provided by the city, the Treasurer shall keep therein all moneys belonging to the city, and shall not thereafter, under any circumstances, deposit with any person, corporation or bank, any of the money of the city, or allow the same, except in the payment of demands against the city, to pass out of his custody. Until such vaults are provided, the treasurer shall not deposit any of the city money with any person or corporation other than National or State banks doing business in the city. The Treasurer shall not, under any circumstances, loan to any person or corporation whatever any of the money of the city.

SEC. 10. The City Treasurer shall be ex officio Tax and License Collector, and as such Tax and License Collector he shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall keep proper books, showing all moneys collected by him as Tax and License Collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this charter or by the ordinances of the city. He shall pay all moneys collected by him as Tax and License Collector into the city treasury daily.

City Clerk.

SEC. 11. The City Clerk shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the five years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for four years and until his successor is elected and has qualified.

SEC. 12. The City Clerk shall have the custody of, and be responsible for the corporate seal, all books, papers, records and archives belonging to the city not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the Council and of the Board of Equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds. He shall keep all the books properly indexed and open to public inspection when not in actual use. He shall make out, sign and deliver to the City Auditor all licenses other than building permits, and perform such other duties as are or shall be imposed by this charter, or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall devote his

entire time to the duties of his office. He shall be the custodian of the City Hall, and of all personal property, the custody of which has not been otherwise provided for.

City Attorney.

SEC. 13. The City Attorney shall be a citizen of the State and shall have been a resident and qualified elector of the city for the three years next preceding the day of his appointment. He shall have been duly admitted to practice his profession by the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the Mayor, and his appointment confirmed by the Council. He may be removed by the Mayor, with the consent of the Council, at any time.

SEC. 14. The City Attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this Charter and the ordinances of the city, and shall attend to all suits, matters, and proceedings in which the city may be legally interested; *provided*, the City Council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein. He shall be in attendance at every regular meeting of the Council, and shall give his advice or opinion in writing whenever requested so to do by the City Council or any of the boards or officers of the city. He shall approve the form of all bonds given to, and all contracts made by, the city, indorsing his approval thereon in writing. He shall, whenever required by the City Council or any member thereof, draft any and all proposed ordinances for the city, and amendments thereto; and shall do and perform all such things touching his office as the City Council or the Mayor may require of him. On vacating the office he shall surrender all books, papers, files, and documents, pertaining to the city business to his successor.

City Auditor and Assessor.

SEC. 15. The City Auditor shall be ex officio City Assessor. He shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for a period of three years next preceding the day of his appointment. He shall be appointed by the Mayor and his appointment confirmed by the Council. He may be removed by the Mayor at any time with the consent of the Council.

SEC. 16. As City Auditor he shall number and keep a record of all demands approved by him, showing the date of approval, amount, and name of original and present holder, on what account allowed and out of what fund payable and by what officer or board it has been previously approved. He shall be always acquainted with the exact condition of the city treasury. He shall, on the application of any person indebted to the city or any officer or person holding money payable into the treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall, upon the order of the City Treasurer directing him to issue a receipt for money paid into the city treasury, charge the City Treasurer with the money and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the city treasury, not otherwise by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment. He shall countersign all licenses or permits issued by any city officer or board whereon money is to be paid to such officer or board for the use of the city, and shall charge such officer with the proper amount. No such license or permit shall be valid unless countersigned by him. He shall, at the first meeting of the Council every month, and oftener if required, report to the Council the condition of each fund in the treasury. He shall make a similar report to the Mayor at any time when requested by the Mayor, in writing, so to do. He shall keep a complete set of books for the city in which shall be set forth in a plain and business like manner every money transaction of the city, so that he can tell at any time the exact condition of the city's finances. He shall make an annual report to the City Council showing the sources from which the city's revenue was derived and how expended. He shall approve and sign all warrants and demands upon the city treasury, except as otherwise in this charter provided. He shall keep in his office in a place accessible and open at all times during office hours to the public a book containing a list of the names of all persons or corporations who are bondsmen for the officers of the city, giving the names of the officers for whom they are bondsmen and the amounts for which they are severally holden. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salaries or wages received by each opposite his name, which list shall be revised and corrected by him monthly. He shall prescribe a system of books and records to be kept by each department of the city government and a form of monthly reports to be made by each department to the City Auditor showing the business transactions of such departments and all receipts and distributions of material, supplies, tools, etc., to the end that the Auditor may have a complete and accurate knowledge of the business transactions of the city and of the several departments and be able to keep full and accurate records of the same and report them to the Council and the Mayor as herein provided. Such system of books and records and such form of reports shall be submitted to the Council, and, on approval by the Council, shall at once be put in force by the several officers and departments of the city, and shall thereafter not be changed except after the proposed changes have been submitted by the Auditor to and have been approved by the Council. He shall discharge such other duties as may be required of him by law, by this charter,

or by the ordinances of the city. He shall have authority to take affidavits and administer oaths necessary to the transaction of the city business.

SEC. 17. As Assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by this charter are required to be collected by him.

City Engineer.

SEC. 18. The City Engineer shall be a citizen of the State and a resident and qualified elector of the city. He shall have had not less than five years' practical experience as a civil engineer, next preceding the day of his appointment. He shall be appointed by the Mayor and his appointment confirmed by the Council. He may be removed by the Mayor at any time with the consent of the Council.

SEC. 19. The City Engineer shall perform all the engineering and surveying required in the carrying on of the public works and improvements done under the direction of the Council or any department of the city government. All maps, plats, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be and continue to be the property of the city. He shall be the custodian of, and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indexes thereto. He shall have the final decision, unless otherwise provided by ordinance, as to the proper locality and height of telegraph, telephone, electric light and other poles, as well as the proper alignment and height above the ground of all telephone, telegraph, electric light and other wires, the depth below the surface and alignment of all gas, water, sewer and other pipes and conduits, and the grade and proper alignment of all street railroad tracks.

Superintendent of Streets.

SEC. 20. The Superintendent of Streets shall be at least thirty years of age, a citizen of the State and shall have been a resident and qualified elector of the city for a period of three years next preceding the day of his appointment. He shall be appointed by the Mayor and his appointment confirmed by the Council. He may be removed by the Mayor at any time with the consent of the Council.

SEC. 21. It shall be his duty to see that the laws, ordinances, orders and regulations relative to the public streets and highways are fully carried into execution, and that the penalties for a breach thereof are rigidly enforced. He shall superintend and direct the sweeping, cleaning and sprinkling of the streets and the cleaning and flushing of all sewers, and keep himself informed of the condition of all public streets and highways. He shall have the general care of and frequently inspect the streets and highways of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances and laws pertaining to street obstruction. He shall frequently inspect all public works pertaining to street improvement while the same are in course of construction, inspect and approve or reject all material used in such construction whether done by contract or otherwise, and shall at once report to the Council all deviations from contracts, and use of improper material and bad workmanship in such construction. He shall perform such other duties as are required of him by this charter, by the ordinances of the city or the general law of the State.

ARTICLE 6.

PARK, WATER, POLICE, AND FIRE DEPARTMENTS.

SECTION 1. The park, water, police, and fire departments of the city shall be under the control and management of a Board of Commissioners, consisting of five members, four of whom shall be appointed by the Mayor, and their appointment confirmed by the Council. Each of the four thus appointed shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for the three years next preceding his appointment. The fifth member of the board shall be the Mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

SEC. 2. Three of the members of the board shall constitute a quorum for the transaction of business. The City Clerk shall act as secretary of the board and keep the minutes thereof.

SEC. 3. The board shall have the exclusive control and management of all lands and real property which may be acquired, set apart, or dedicated for the use of the people of the city as public parks, or pleasure grounds, and of any boulevard that may be acquired, dedicated, or constructed as a portion of the park system of the city. The board shall have authority to purchase all articles and materials for, and have all work and labor performed upon said parks, pleasure grounds, and boulevards; and to that end may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed upon or about said parks, pleasure grounds, and boulevards. The board shall have authority to establish rules and regulations for the use and government of such parks, pleasure grounds, and boulevards, and shall have the right to prohibit the

use of the drives in any of said parks, or pleasure grounds, or the said boulevards, for teaming, or other purposes which may be injurious to them.

The board shall have authority to direct and regulate the planting, trimming, pruning, and care of shade and ornamental trees, and shrubbery in any and all of the streets, alleys, public places, and grounds of the city, and to cause the removal of objectionable trees and shrubbery from such streets, and public places.

SEC. 4. The board shall have the exclusive control and management of all water and water works that may hereafter be acquired by the city; the construction, maintenance, and improvement of such works; the management, rental, sale, and distribution of such water; the collection of rates for the same, and the general charge thereof. The board shall annually recommend to the Council the rates to be charged for such water, but such rates shall be fixed by the Council. The board may appoint, remove, discharge, or suspend superintendents, laborers, and all other persons employed upon or about said water works, or in the management, rental, sale, and distribution of such water, and the collection of rates for the same, and may prescribe and fix their duties, compensation, and authority.

SEC. 5. The board shall have the exclusive control and management of the Police Department of the city, and shall have power:

First—To organize the said department, and change the organization from time to time, as in the judgment of the board shall seem best.

Second—To appoint, promote, suspend, reduce, or dismiss any officer or member thereof; *provided, however*, that no such officer or member shall be suspended, reduced, or dismissed without the reasons for such action being set out at length in the minutes of the board.

Third—To prescribe rules and regulations for the government, discipline, equipment and uniform of the members and officers of the department, to fix their compensation, powers and duties and to prescribe and enforce penalties for violations of any of such rules and regulations.

Fourth—To appoint, upon the application of any person, firm or corporation, special police officers who shall receive no pay from the city and who may be removed at any time by the board; *provided, however*, that such special police officers shall be subject to all the rules and regulations of the board.

Fifth—To appoint, at times of public emergency, special policemen who shall serve for such time as is designated in their appointment and who shall receive such compensation as may be fixed by the board.

Sixth—To provide for the care, restitution, sale or destruction of such unclaimed property as may come into the possession of the department.

Seventh—To do any other acts which shall be necessary to the efficient equipment and operation of the Police Department of the city.

SEC. 6. In the organization of the Police Department the said board shall appoint a Chief of Police who shall keep a public office to be provided by the City Council, which office shall be open day and night. The Chief of Police shall devote his entire time to the discharge of the duties of his office, and shall, under the direction of the board, have control of the police force of the city. He shall have power to suspend any member of the police force for disobedience of any lawful order, for the violation of any rule or regulation adopted by the board, for the neglect of duty or for any conduct unbecoming a member of the police force, but shall immediately notify the board of such suspension by leaving a written notice of such suspension, giving his reasons therefor, with the Mayor, and thereupon the matter shall be in the hands of the board for its action thereon. The Chief of Police shall discharge all duties required of him by this charter, by the ordinances of the city or by the rules and regulations of the board.

SEC. 7. In addition to the Chief of Police the board, in the organization of the Police Department, shall provide for a permanent police force, which shall consist of such number of policemen as the board shall from time to time deem necessary to preserve the peace, protect the lives and property of the citizens, and enforce all laws and ordinances within the city.

SEC. 8. The board shall have the exclusive control and management of the Fire Department of the city, and shall have power:

First—To organize the said department and change the said organization from time to time as in the judgment of the board seems best.

Second—To appoint, promote, suspend, reduce, or dismiss any officer or member of the department; *provided*, that no such officer or member shall be suspended, reduced, or dismissed without the reasons for such action being set out at length in the minutes of the board.

Third—To prescribe rules and regulations for the government, discipline, equipment, and uniform of the members and officers of the department, to fix their compensation, powers, and duties, and to prescribe and enforce penalties for violation of any of such rules and regulations.

Fourth—To do any other act that shall be necessary to the efficient equipment and operation of the Fire Department of the city.

SEC. 9. It shall be the duty of the board to see that the city is properly supplied with all the necessary appliances and apparatus for the extinguishment and prevention of fires, to order the placing of hydrants and fire-alarm boxes for said purposes and to provide means for the proper care, handling, hauling and housing of all apparatus belonging to the Fire Department.

SEC. 10. In the organization of the Fire Department the board shall provide for a

Chief Engineer, who shall devote his whole time to the discharge of the duties of his office and shall, under the direction of the board, have control of the officers and men employed in the Fire Department. He shall have power to suspend any officer or employé of the department for disobedience of any lawful order, for the violation of any rule or regulation adopted by the board, for neglect of duty, or for any conduct unbecoming a member of the department, but shall immediately notify the board of such suspension by leaving a written notice of such suspension, giving his reasons therefor, with the Mayor, and thereupon the matter shall be in the hands of the board for its action thereon. The Chief Engineer shall see that all the rules and regulations of the board relating to the Fire Department are enforced and shall be charged with the especial duty of superintending the extinguishment of fires and seeing that all property imperiled thereby is protected and guarded.

ARTICLE 7.

MISCELLANEOUS DEPARTMENTS.

SECTION 1. All departments of the public service and public works, not in this charter otherwise provided for, shall be under the direction and control of the City Council, and the City Council may organize the same, and change such organization from time to time as to the City Council shall seem best. The City Council shall have power to appoint, promote, suspend, reduce or dismiss all officers or employes of such departments, fix the powers, duties and compensation of such officers and employes, prescribe rules and regulations for the government, discipline and equipment of such departments and to enforce penalties for the violation of any such rules and regulations; and shall have power to do anything that may be necessary to maintain said departments in a high state of efficiency.

ARTICLE 8.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of the city shall be vested in a Council of five members; *provided, however*, that such legislative power shall be exercised subject to the veto power of the Mayor as in this charter provided.

SEC. 2. One of the members of the Council shall be nominated from each of the wards of the city and one from the city at large. All of the members shall be elected at large by the qualified electors of the city. Each of the members of the Council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three years immediately preceding the day of his election. The members nominated from the wards shall be residents of the wards from which they are nominated.

SEC. 3. The members of the City Council first elected under this charter shall so classify themselves by lot that two of their number shall hold office for two years, and three of their number shall hold office for four years, thereafter their successors shall hold office for four years and until their successors are elected and have qualified.

SEC. 4. The Mayor shall preside at all meetings of the Council and may take part in the deliberations thereof, but shall not have the right to vote.

In the absence of the Mayor the Council shall choose one of their own number to preside, who shall retain the right to vote upon all questions under consideration and shall have the same power to disapprove any order made by the Council, and with like effect, as the Mayor would have had if present at the meeting. The member thus appointed shall be designated the President of the Council, and in the event that the Mayor, for any reason, is temporarily unable to perform his official duties, the President of the Council shall act as Mayor *pro tempore*.

SEC. 5. Three of the members of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the Council may prescribe. No order except to adjourn for lack of a quorum, or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative votes of three members.

SEC. 6. Ordinances and resolutions are the formal acts of the Council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which, being less formal in character, require only to be duly passed by the Council and spread upon the minutes. No order, resolution, or ordinance shall have any effect without the approval of the Mayor. In the case of orders the approval of the Mayor shall be presumed, unless at the same meeting at which the order was passed the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the Council, must be submitted to the Mayor, who shall, within five days after he has received the same, indorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and every ordinance and resolution to be valid must be passed by a vote of not less than three members of the Council and approved by the Mayor; *provided, however*, that if the Mayor disapprove any order or does not approve any resolution or ordinance within the time herein provided it may be passed by a vote of not less than four members of the Council and shall then be as valid as if approved by the Mayor.

SEC. 7. The enacting clause of all ordinances shall be "The Mayor and City Council of the City of Pasadena do ordain as follows."

SEC. 8. All ordinances adopted under this charter shall be published, in the English language, at least once in a newspaper published in the City of Pasadena, and until such publication no ordinance shall take effect.

SEC. 9. All meetings of the City Council shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal on the final action of the City Council in the granting of franchises, in the authorization of contracts, in the ordering work to be done or supplies furnished, in the ordering of assessments for street improvements, or the building of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

SEC. 10. The City Council shall have power:

First—To fix the time and place of its meetings, to compel the attendance before it of witnesses, and the production of papers in any matter under investigation, to judge of the qualification and election of its own members, and to punish any member or other city officer, by a fine of not exceeding fifty dollars, for disorderly or contemptuous behavior in its presence.

Second—To make and pass all ordinances, resolutions, and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city, and for carrying into effect the provisions of this charter.

Third—To levy and collect taxes and assessments for city purposes on all property within the city which is by law taxable for State and county purposes.

Fourth—To provide for the lighting of the streets and public buildings and places of the city and to regulate such lighting.

Fifth—To regulate the use and sale of gas, electric and other light in the city, to fix and determine the price thereof, as well as the rental price of all gas and electric light meters within the city, and to provide for the inspection of such meters.

Sixth—To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service and connections within the city.

Seventh—To cause the removal and placing under ground of all telephone, telegraph, electric light, or other wires within the city, or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys, and public places of the city.

Eighth—To regulate, license, or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places of the city.

Ninth—To license and regulate the keeping of dogs, and to prevent the same from running at large, and to authorize the destruction thereof.

Tenth—To establish pounds and pound districts which shall be under the supervision and control of a poundmaster, and restrain the running at large of poultry, horses, mules, cattle, swine, sheep, and other animals, and to authorize the destruction and sale of the same.

Eleventh—To establish, license, or regulate markets and market houses.

Twelfth—To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk, and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city, or having or keeping within the city of such unsound, spoiled, adulterated, or unwholesome products.

Thirteenth—To provide for the inspection of and to regulate the sale of bread within the city and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations.

Fourteenth—To provide for and regulate the manner of weighing hay, straw, and coal and the selling of the same, and the measuring and selling of firewood within the city.

Fifteenth—To provide for the inspection and sealing of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Sixteenth—To regulate the construction of and the material used in all buildings, chimneys, stacks, and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bath-rooms, water-closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

Seventeenth—To require the owners and lessees of buildings or other structures to place upon or in them fire-escapes and appliances for protection against and the extinguishment of fires.

Eighteenth—To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fire.

Nineteenth—To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within said fire limit.

Twentieth—To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind and to prevent the placing of seats, chairs, benches, or other obstructions in the halls, aisles, or open places therein.

Twenty-first—To regulate or prohibit the operation of blasts and blasting and the construction and operation of derricks, windlasses and other structures, apparatus and operations hazardous to life and property and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos, and other apparatus generating steam or electricity.

Twenty-second—To define nuisances, and to prevent, remove, and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing, or maintaining such nuisances, and to prohibit offensive or unwholesome business or establishments within the city.

Twenty-third—To regulate lodging, tenement and apartment houses and to prevent the over-crowding of the same and to require the same to be put and kept in proper sanitary condition.

Twenty-fourth—To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale, or sell, any of their products in the city.

Twenty-fifth—To provide for the naming of streets, and the numbering of houses and to regulate or prohibit the exhibition of banners, flags, placards, or signs across the streets, sidewalks, or public places of the city.

Twenty-sixth—To regulate or prohibit the loading or storing of gunpowder, and other combustible and explosive materials in the city, and the transportation of the same through the streets of the city.

Twenty-seventh—To regulate the speed of railroad trains, engines, and cars passing through the city, and the speed of cars of street railway companies using the public streets of the city; to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as it may deem proper, to require street cars to be provided with fenders, or other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings, or street intersections of the city; to regulate the speed with which persons may ride or drive, or propel bicycles, tricycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Twenty-eighth—To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons, and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles.

Twenty-ninth—To regulate street railroads, their tracks and cars; to compel the owners of two or more such roads using the same street for any distance, not exceeding five blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Thirtieth—To prohibit the injury to or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

Thirty-first—To grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, to lay gas or water pipes, to erect poles and wires, or lay conduits for transmitting electric energy for lighting or power purposes along or upon the public streets and highways of the city; *provided, however*, that all such rights and franchises shall be granted subject to all the restrictions and limitations in this charter contained relating to the granting of franchises.

Thirty-second—To make arrangements for the care, feeding, and clothing of all persons imprisoned by municipal authority or sentenced to imprisonment by the Police Court, and to provide that all such persons shall work upon the streets, or do other public work.

Thirty-third—To restrain or punish vagrants, mendicants, street beggars, and lewd persons, and prevent diseased, maimed, injured, or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness and all obnoxious, offensive, immoral, indecent, and disorderly conduct and practices in the city.

Thirty-fourth—To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce the same within the city; to regulate, control, and prevent the entry into the city of persons, baggage, merchandise, or other property infected with contagious disease.

Thirty-fifth—To provide for the sale of personal property belonging to the city which is not needed by or which is not suited for the use of the city.

Thirty-sixth—To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

Thirty-seventh—To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets in the city.

Thirty-eighth—To maintain police and fire departments.

Thirty-ninth—To suspend any officer of the city pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the city has been commenced, and the Mayor shall appoint a substitute for such officer during suspension. In voting upon the suspension or removal of officers the Council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

Fortieth—To adopt and enforce by ordinance all such measures, and to establish all such regulations, in case no express provision is in this charter made, as the Council may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare, and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.

Forty-first—To pass ordinances upon any other subject of municipal control, or to carry into force or effect any other powers of the municipality.

Forty-second—To adopt by ordinance at any time any provisions made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county.

Forty-third—To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall remain open, if not otherwise herein provided for.

SEC. 11. If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty days without the consent of the Council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the Council, his office shall thereupon be declared vacant by the Council, if the office is an elective one, and by the Mayor, if the office is an appointive one; and the vacancy shall thereupon be filled by the Council if the office is an elective one, and by the Mayor, with the approval of the Council, if the office be an appointive one, unless otherwise provided for in this charter.

SEC. 12. Whenever there shall be presented to the Council a petition signed by a number of city electors equal to ten per centum of the votes cast in the city at the last preceding State or general city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city, such proposed ordinance must be submitted to the vote of the electors at the next general city election, unless the said ordinance shall have been adopted more than thirty days prior to such election.

SEC. 13. Whenever there shall be presented to the Council a petition signed by a number of city electors which shall equal thirty per centum of the votes cast at the last preceding State or general city election, asking that an ordinance, to be set forth in such petition, be submitted to a vote of the electors of the city at a special election to be called for that purpose, such special election shall be called, and such proposed ordinance must be submitted to the vote of the electors at such special election, unless the Council shall within thirty days after having received said petition duly adopt such ordinance.

SEC. 14. The Council may, at such general or special election, submit an alternative ordinance for the choice of the electors, and any number of proposed ordinances may be voted on at the same election.

SEC. 15. The signatures to such petitions need not all be appended to one paper, but each signer shall add to his name his place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

SEC. 16. The tickets used at such elections in voting on such ordinances shall contain the words, "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance).

SEC. 17. If a majority of the votes cast upon the question of such ordinance shall be in favor of the adoption thereof, the Council shall, within twenty days from the time of such election, proclaim such fact by publishing such proclamation attached to a copy of such ordinance at least once, in the English language, in a newspaper published in the city, and thereupon such ordinance shall have the same force and effect as an ordinance passed by the City Council, and approved by the Mayor, and the same shall not be repealed by the Council.

The Council may submit a proposition for a repeal of such ordinance, or for amendments thereto, to be voted upon by the electors of the city at any general election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall, by the Council, be repealed or amended accordingly.

SEC. 18. All resolutions and ordinances of the city now in force and not inconsistent with the provisions of this charter shall remain in force until amended or repealed.

ARTICLE 9.

STREETS.

SECTION 1. Whenever the City Council shall deem it expedient to establish the grade of the whole or any part of any street, avenue, lane, alley, court, or place in said city, the same shall be done by ordinance.

SEC. 2. Whenever the City Council shall deem it expedient to alter the established grade of the whole or any part of any street, avenue, lane, alley, court, or place in said city, said Council shall by ordinance declare its intention to alter such established grade, in which ordinance must be specified the grade that is proposed to be established, and shall publish such ordinance at least ten days in a daily newspaper published and circulated in the City of Pasadena.

SEC. 3. Within ten days after the first publication of such ordinance, any owner of property fronting on such street, or part thereof whereon said change is proposed, may make and file with the City Clerk a written remonstrance against the proposed change of grade, setting forth in detail the damage which will arise to him by reason of the proposed change of grade, and thereupon the same shall not be further proceeded with or made without compensation to such owner for any damage which may be occasioned to him by said change. The said damage shall be ascertained, if possible, by agreement between such owner and the Council, and in case such agreement cannot be reached with such owner, the amount of damage justly payable to such owner shall be determined by an action in the name of the city against him, and in case there is remonstrance from more than one, all said remonstrants may be joined as defendants in said action and all of their damages determined therein.

SEC. 4. The cost of providing crosswalks, and of improving all intersections of streets, including the cost of constructing sewers therein, and of space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street to be improved, to such center line, except the cost of constructing sewers therein, shall be paid out of the general or other appropriate fund of the city, and shall not be included in the special assessment for the proposed work. When a sewer is to be constructed within said last mentioned space, half of the cost of said sewer shall be assessed against the property abutting against said space extended, and one half of said cost shall be paid out of the general or other appropriate fund of the city.

SEC. 5. Except as provided herein the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places, and sidewalks, including the construction of sewers, and providing for the laying out, opening, extending, widening, straightening, or closing up in whole or in part of any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and for providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts, and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the Legislature of this State, is hereby made a part of this charter, and shall govern the City Council in such matters.

ARTICLE 10

CONTRACTS.

SECTION 1. The City of Pasadena shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the Council and signed by the Mayor or by some other person, in behalf of the city, authorized so to do by the Council; *provided*, that the approval of the form of the contract by the City Attorney shall be indorsed thereon before the Council shall have power to order the same to be entered into in behalf of the city; but the Council, by an ordinance duly adopted, may authorize any officer, board or commission, or agent of the city to bind the city without a contract in writing for the payment for supplies, labor, or other valuable consideration furnished to the city in an amount not exceeding one hundred dollars.

SEC. 2. All contracts for goods, merchandise, stores, supplies, materials, subsistence, or printing, except as otherwise provided in this charter, for the city or for any of the departments or public institutions thereof, must be made by the City Council with the lowest bidder offering adequate security for the faithful performance of the contract, after the publication of a notice calling for bids in a newspaper published in said city for at least ten days before the day upon which the said bids are to be opened by the Council.

SEC. 3. All bids must be accompanied by a certificate of deposit issued by or a certified check drawn on a solvent bank doing business in the City of Pasadena for an amount equal to ten per centum of the bid; the said certificate of deposit or certified check must be payable at sight to the City Clerk. If the bidder to whom the contract is awarded shall, for five days after such award, fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury, and under no circumstances shall

the certificate of deposit or check or the proceeds thereof be returned to the defaulting bidder.

SEC. 4. The Council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the City Attorney as to form, shall be approved by the Mayor, and such approval with the date thereof shall be indorsed upon said bonds and evidenced by the signature of the Mayor. The City Clerk shall furnish printed blanks for all such bids, contracts and bonds.

SEC. 5. All bids must be placed in a sealed envelope and delivered to the City Clerk and opened by the Council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The clerk shall return to the unsuccessful bidders their certificates of deposit or checks. He shall retain the certificate of deposit or check of the successful bidder until after the approval by the Mayor of the bond furnished by such bidder, for the faithful performance of his contract, and then shall return such certificate of deposit or check to such successful bidder.

SEC. 6. All contracts for official advertising shall be let annually in a like manner to the lowest responsible bidder publishing a daily newspaper of general circulation in the city; *provided*, that the said newspaper shall have been in existence at the time of awarding said contract at least two years.

SEC. 7. When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided herein in the first instance. When the Council believe that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby, they may reject any and all bids and cause the notice calling for bids to be readvertised.

SEC. 8. No contract for removing garbage, sweeping, sprinkling, or lighting the streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer be valid.

ARTICLE 11.

CLAIMS AND DEMANDS.

SECTION 1. Except as otherwise provided in this charter all demands payable out of the treasury must, before they can be approved by the Auditor or paid by the Treasurer be approved by the Council and the Mayor.

SEC. 2. All claims and demands whatever against the City of Pasadena, except interest coupons on bonds, and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 3. Said demands, except demands payable out of the school fund and library fund, shall be presented to the Council on forms to be supplied by the City Clerk. The Council shall consider the said demands and shall, if the same be just and legal approve the same, or may, if it so determine, approve in part or reject the whole. The action of the City Council shall be indorsed thereon, with the date of such action and certified by the signature of the City Clerk.

SEC. 4. Any such demand, approved by the Council, in whole or in part, shall be delivered to the Mayor, who shall approve the same, in whole or in part, or reject the same and indorse such approval or rejection thereon, with the date of such action; *provided*, that the Mayor shall have no power to approve a demand for a sum larger than the sum for which it is approved by the Council. If the Mayor approve only in part, or for a less amount than approved by the Council, or reject any such demand, he shall return the same to the City Clerk with his objections in writing attached thereto.

SEC. 5. Any demand approved by the Mayor for the same amount as approved by the Council must, before it can be paid, be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and out of what fund. After such examination, he shall approve or reject the claim in whole or in part, and indorse on such demand his approval or rejection, over his signature, together with the date thereof. If it be approved, the fund out of which it is to be paid shall be designated. If the claim is rejected in whole or as to any part of it (unless the party presenting it is willing to accept and receipt for it in full of the entire demand the sum offered), the Auditor shall return it, with his reasons for rejecting it, to the Council, board or other body which originally authorized it. No demand upon the city treasury shall be considered presented for action, or acted upon, allowed or approved by the Council, or any board or commission of said city, unless it specifies on its face each item composing such demand, and the amount and date thereof.

SEC. 6. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him; and when allowed, either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed.

SEC. 7. All demands payable out of the school fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of three members thereof, taken with the eyes and noses, and spread on the minutes, and the action of said board indorsed on said demand, and signed by the presiding officer, and the clerk thereof. After the approval of said demands, they shall

be delivered to the City Auditor, who shall have the same powers, and shall perform the same duties in reference to demands payable out of the school fund as is, provided for other demands; *provided*, that in case the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Education instead of the Council.

Sec. 8. All demands payable out of the library fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Library Trustees by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes of the board, and the action of said board, with the date of such action indorsed on said demands, and signed by the Mayor, as presiding officer, and by the clerk of said board.

After the approval of said demands, as herein provided, they shall be delivered to the City Auditor, who shall have the same powers, and perform the same duties in reference to demands payable out of the library fund as are provided for other demands; *provided*, that in case the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Library Trustees.

Sec. 9. Any demand returned to the Council, with the objections of either the Mayor or the Auditor, shall again be considered by the Council, and if it shall again be approved by the Council and indorsed and certified as required by section three of this article, the said objection shall thereby be overruled. Any demand returned to the Board of Education or to the Board of Library Trustees with the objection of the City Auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the City Auditor shall thereby be overruled. Any demand, the objection of the Mayor to which has been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand, the objection of the City Auditor to which has been overruled by the City Council, the Board of Education or Board of Library Trustees, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand as in the case of demands approved by him.

Sec. 10. No demand can be approved by any board or officer, audited or paid, unless it specify each several item, with the date and amount thereof.

Sec. 11. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon, and approved by every officer and board of officers, as required by this charter, or the objections of the Mayor or City Auditor, or both, as the case may be, have been overruled, as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited.

Sec. 12. No demand shall be approved by the City Auditor in favor of any person or officer, or the assignee of any person or officer, who is indebted to the city, without first deducting the amount of such indebtedness, nor in favor of any officer having the collection, custody or disbursement of public funds who shall have failed to account to the city as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing, in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the Mayor or the President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the City Auditor may examine any officer receiving a salary from the treasury, on oath, touching such absence.

Sec. 13. The City Auditor must number and keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and by what officer or board it has been previously approved; and it shall be a misdemeanor in office for the City Auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Sec. 14. Every lawful demand upon the treasury, audited and allowed as in this charter required, shall in all cases be paid upon presentation, if there be sufficient money in the treasury applicable to the payment of such demand, and the demand canceled with a punch cutting the word "canceled" therein, and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the Treasurer. Such register shall show the special number given by the Council or other authority, and also by the Auditor to each demand presented; also when presented, the date, amount, name of original holder, and on what account allowed, and against what appropriation drawn, and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand, upon being so registered, shall be returned to the party presenting it, with the indorsement of the word "registered," dated and signed by the Treasurer; but the reg-

istration of any demand shall not operate to recognize or make valid such demand, if incurred contrary to law or any of the provisions of this charter.

SEC. 15. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of the bonded indebtedness of the city, and the interest coupons thereof, in accordance with the Constitution, laws, and ordinances authorizing the issuance of said bonds.

SEC. 16. Before any demand which originates in the fire, police, water, or park departments of the city government can be approved by the Council, it must first be approved by the Board of Commissioners having charge of such departments by a vote of at least three members thereof, and the approval of such Board of Commissioners, with the date of such approval, must be indorsed on such demand, and must be evidenced by the signature of the Mayor as the presiding officer of such board, and by the clerk of the said board.

SEC. 17. All public moneys collected by any officer, or employé of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employé, or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited, and paid.

SEC. 18. No suit shall be brought upon any claim for money, or damages against the City of Pasadena, its Board of Education, or the Board of Library Trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

ARTICLE 12.

REVENUE AND TAXATION.

SECTION 1. On or before the first Monday in July in each year the several heads of departments, offices, boards, and commissions shall send to the City Council an estimate in writing of the amount of expenditure, specifying in detail the object thereof, required in their respective departments, offices, boards, and commissions during the year. Duplicates of these estimates shall be sent to the Auditor.

SEC. 2. On or before the first Monday of July of each year, the Assessor shall complete his list or assessment roll and shall attach his certificate thereto and deliver it and the books and maps he may have accompanying the same and all the original lists of property given to him to the City Auditor, and the Auditor shall thereupon notify the City Council, and the City Clerk shall thereupon notify the taxpayers of the fact and of the time the City Council will meet to equalize assessments, by publication of such notice in a daily newspaper published in the city, and in the meantime the assessment roll, books, maps, and other papers accompanying the same must remain in the office of the City Auditor for the inspection of all persons interested.

SEC. 3. The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same, shall be such as is now or may hereafter be prescribed by the ordinances of the city.

SEC. 4. The Council shall, at the time and in the manner required by the ordinances of the city relative thereto, sit and act as a Board of Equalization, and shall have as regards the equalization of said lists powers similar to those conferred by law upon the Board of Supervisors of Los Angeles County as a Board of Equalization of State and county taxes.

SEC. 5. The meetings of said Board of Equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment on said lists, both as to real and personal property; *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which shall be increased, and such owner or owners shall have the right to be heard before the board, under oath. When such assessment list or roll has been equalized it shall be returned by the Council to the Auditor.

SEC. 6. On or before the first Monday in August in each year, the Auditor shall prepare and transmit to the Council an estimate of the probable expenditure of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses, and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of such fiscal year.

SEC. 7. The Council shall, annually between the fifteenth day of August and the twenty-second day of August and by a vote of a majority of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the Council may determine.

SEC. 8. The budget shall, when completed by the Council, be delivered to the Mayor, who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least four members of the Council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the Mayor and the City Clerk and the several sums shall then be appro-

appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the Auditor.

SEC. 9. The Council must cause to be raised annually according to law and collected by tax the amounts so appropriated less the amounts received from fines, licenses and other sources of revenue.

SEC. 10. The Council may appropriate in the aggregate during each year not to exceed one thousand dollars for necessities not otherwise provided for by law, but no money shall be paid out of this appropriation unless authorized by a vote of at least four members of the Council and approved by the Mayor.

SEC. 11. The Council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund, and the percentage of the tax levy shall be named for each fund, and the whole amount of the taxes and revenue of the city apportioned accordingly, and no transfers shall be made, except of balances in excess of requirements or from the general fund to meet deficiencies in any fund, unless otherwise provided in this charter.

SEC. 12. The Council shall, on or before the first Monday of September, in each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all property, both real and personal, in the city necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed, in any one year, one dollar for each one hundred dollars upon the assessment roll, exclusive of what may be necessary for the payment of the principal and interest of the bonded indebtedness of the city or for school purposes.

SEC. 13. As soon as the City Council has fixed the rate of taxes for the year, the Auditor must complete, and enter in a separate column in the assessment book, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the City Tax Collector, and charge the Collector with the full amount of the taxes levied.

SEC. 14. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall not be satisfied nor discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

SEC. 15. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and county taxes levied in Los Angeles County. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county; *provided, however*, that the Council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of State and county taxes in said county.

SEC. 16. All sales for delinquent taxes shall be made to the City of Pasadena unless otherwise regulated by ordinance.

SEC. 17. The Council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

SEC. 18. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the State when offered for sale for State and county taxes, and the Council shall have the same powers and duties in relation to such property as are given by law to the State Board of Equalization in case of a sale to the State, but no certificate or receipt need be delivered to the State Controller.

SEC. 19. No officer shall be required to send or transmit any statement or report to any State officer or board.

SEC. 20. All papers and instruments required to be filed or recorded with or by the County Recorder by the revenue or taxation laws of this State, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the County Recorder of Los Angeles County.

SEC. 21. Whenever the Council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high-school building, sewer, property, water right, bridge, or other public

improvement, or utility, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the Constitution of this state and general law or laws thereof; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor.

SEC. 22. It shall be the duty of the Assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

SEC. 23. Immediately after fixing the assessment of such property he shall serve on its owner or owners a notice in writing, which shall certify the assessed valuation of the property, the rate of taxation, and the amount of tax payable, and contain a demand for the payment of said tax within three days after the service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed. Upon the expiration of said three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the City Attorney and City Assessor, the Assessor shall forthwith proceed to collect the same by seizure of any personal property owned by the delinquent.

SEC. 24. The said sale shall be made by him in the manner provided in sections thirty-seven hundred and ninety-one, thirty-seven hundred and ninety-two, thirty-seven hundred and ninety-three, thirty-seven hundred and ninety-four, thirty-seven hundred and ninety-five, and thirty-seven hundred and ninety-six of the Political Code of the State of California; *provided*, that the newspaper referred to in section thirty-seven hundred and ninety-two shall be published in the City of Pasadena.

SEC. 25. As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

SEC. 26. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

SEC. 27. The Assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the City Treasurer all money received immediately upon its receipt.

SEC. 28. In case the Assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the Council is authorized and directed to cause proper action or actions at law to be brought against said Assessor and the sureties on his official bond to recover the same.

ARTICLE 13.

FRANCHISES.

SECTION 1. No exclusive franchise or privilege and no special privilege shall be granted for any purpose.

SEC. 2. No application for a franchise shall be considered by the Council unless the application shall be accompanied with the sum of three hundred dollars, which sum shall be returned to the applicant in the event that the City Council shall determine that neither the public necessity nor the public interest requires the granting of the franchise. If, however, the City Council shall determine that the public necessity or the public interest requires the granting of the franchise, then the said sum of three hundred dollars shall be retained by the city in full for all costs of advertising and other preliminary expenses connected with the offering for sale of such franchise and the granting of the same.

SEC. 3. In granting a franchise the City Council shall impose such lawful conditions, restrictions and limitations as may best subserve the public interest and welfare.

SEC. 4. In the granting of franchises the city and City Council shall be governed by the general law of the State in force at the time, which is hereby declared to be, and is hereby made, a part of this charter, so far as it is or may be applicable to the class of cities to which this municipality may belong.

SEC. 5. No franchise for the operation of any street railroad along or upon any street or portion of a street which has, by the City Council, been set apart and dedicated as a boulevard, shall be granted by the City Council unless the owners of a majority of the frontage of the property fronting on such boulevard shall file with the Council a petition asking that such franchise be granted.

ARTICLE 14.

ALCOHOLIC LIQUORS.

SECTION 1. No person either as principal, agent, servant or employé, shall open, establish, keep, maintain or carry on within the corporate limits of Pasadena, any tipping-house, dramshop, cellar, saloon, bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels, boarding-houses or restaurants furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the Council; *and provided further*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating section one of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ARTICLE 15.

JUDICIAL DEPARTMENT.

SECTION 1. There is hereby created and established in and for the City of Pasadena a Police Court, which is hereby vested with the judicial power of the city.

SEC. 2. The Police Court shall be presided over by a judge, who shall be appointed by the Mayor and his appointment confirmed by the Council, and who may be removed by the Mayor at any time with the consent of the Council.

SEC. 3. The Judge of the Police Court shall be a citizen of the State, and shall have been a resident and qualified elector of the city for the three years next preceding the day of his appointment. He shall have been duly admitted to practice as an attorney at law by the Supreme Court of the State of California, and shall have been actually engaged in the practice of the profession of law for a period of five years next preceding his appointment.

SEC. 4. The said Police Court shall have jurisdiction of the following offenses committed within the corporate limits of the said city:

First—Petit larceny.

Second—Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony.

Third—Breaches of the peace, routs, riots, affrays, committing a willful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars or imprisonment not exceeding six months, or by both such fine and imprisonment.

The said police court shall have exclusive jurisdiction:

First—Of all proceedings for the violation of any ordinance of the city, both civil and criminal.

Second—Of any action for the collection of any taxes or assessments levied for any city purposes when the amount of the tax or assessment sought to be collected against the person assessed is less than three hundred dollars, but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in such action.

Third—Of any action for the collection of money payable to the city or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars.

Fourth—For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs, is less than three hundred dollars.

Fifth—For the recovery of personal property belonging to the city when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

SEC. 5. In the exercise of his jurisdiction the Police Judge may punish persons guilty of contempt of court and may issue warrants of arrest, subpoenas, venire, executions and all other process necessary and proper and may administer oaths.

SEC. 6. In all cases in which the Judge of the Police Court is interested, or in which he is related to a party to the action or proceeding either by consanguinity or affinity within the third degree, and in case of his absence, sickness or inability to act, any Justice of the Peace of the County of Los Angeles may, at the written request of the Judge, act in his place and stead.

SEC. 7. The Judge of the Police Court shall keep a record of the proceedings of the Police Court in all matters and cases before said court, and shall pay weekly into the city treasury all fines and other money received by him belonging to the city. He shall, on the first Monday of each month, file with the Auditor an exact and detailed account

in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city.

SEC. 8. The city shall furnish a suitable room for said Police Court, and shall also furnish the necessary dockets and blanks for the use of said court.

SEC. 9. All fees received or collected by the said court shall be the property of the city.

SEC. 10. The rules of practice and mode of proceeding in the Police Court shall be the same as are, or may be, prescribed by law for justices' courts in like cases; and appeals may be taken to the Superior Court of the county from all judgments of said Police Court in like manner, and with like effect as in cases of appeals from justices' courts.

ARTICLE 16.

DEPARTMENT OF EDUCATION.

SECTION 1. The School Department of the said city shall comprise all the schools within the City of Pasadena, or within the territory that is now, or may hereafter be, annexed thereto for school purposes, and shall be known as the Pasadena City School District, which shall succeed to all the property, rights and privileges of the former Pasadena city school district, and shall consist of primary, grammar, and high schools, as now established, and kindergartens, and may, at the discretion of the Board of Education, include technical or industrial schools and night schools; *provided*, that no school money shall be used for technical or industrial schools or night schools when such use will prevent the board from maintaining free kindergarten, primary, grammar, and high schools for nine months in each year.

SEC. 2. The government of the schools of the said district is hereby vested in a Board of Education consisting of five members to be elected from the school district at large, who shall serve without compensation.

The members of this board shall be elected on the first Friday in June, following the first and each subsequent regular election held under this charter, and shall hold office for the term of four years, and until their successors are elected and duly qualified; *provided, however*, that said members so elected at the first election of members of the Board of Education held after the adoption of this charter shall so classify themselves by lot that the term of two of them shall be for two years, and of three for four years, and thereafter alternately, on the first Friday in June following the regular municipal election, there shall be elected, respectively, two and three members of said Board of Education.

The officers of the election for members of the Board of Education shall receive the sum of three dollars each as compensation for their services.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State regulating elections for trustees in school districts.

SEC. 3. The Board of Education shall enter upon the discharge of their duties on the first Monday in July after their election, and the board shall meet upon said day and annually thereafter, and organize by electing one of their number president, whose term of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the president or by written request of any three members. No business shall be transacted at such special meeting that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of at least three members shall be necessary to pass an order or elect teachers. The sessions of the board shall be public, and its minutes open to inspection. The board may determine the rules of its proceeding, and the ayes and noes shall be taken and recorded when demanded by any member, and entered on the records of the board. Any vacancy occurring on the board shall be filled by the remaining members of the board, and if there be no members, then by the City Council.

SEC. 4. The powers and duties of the Board of Education are as follows:

First—To establish and maintain public schools as herein provided, and to change, consolidate and discontinue the same.

Second—To manage and control the school property.

Third—To employ and dismiss teachers, janitors, school census marshals, and such other persons as may be necessary to carry into effect the powers and duties of the board and to fix, alter, and allow, and order paid their salaries or compensations, and to withhold for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fourth—To make and enforce all necessary rules and regulations for the government and progress of the public schools, and to carry into effect the laws relative to education.

Fifth—To establish and regulate the grade of schools and determine the courses of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools.

Sixth—To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seventh—To select plans for and supervise and control the construction of school buildings, to alter, repair, or rent the same, and to furnish them with proper school furniture, apparatus and appliances, and to insure any and all school property.

Eighth—To take charge of any and all real and personal property that may have been or may hereafter be acquired for the use and benefit of the public schools of the said district.

Ninth—To grade, fence, and improve all school lots.

Tenth—To sue or defend suits when necessary in administering the affairs of the school department, and to require the services of the City Attorney therefor, without compensation, in all such cases.

Eleventh—To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age, not less than four years, at which they may attend the kindergarten schools.

Twelfth—To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the board may direct, of tuition fees, to be fixed by the board.

Thirteenth—To furnish books for children whose parents are unable to furnish them ; and all books so furnished shall belong to the school district and shall be kept in the libraries of the schools when not in use.

Fourteenth—To visit every school in the district at least once in each term, and examine carefully into its management, condition and wants.

Fifteenth—To dispose of at public or private sale such personal property as shall be no longer required by the department, and when directed by the qualified electors of the district, at a meeting duly called for that purpose, to dispose of any real property belonging to the district, and no longer necessary or convenient for its use, and to make, in the name of the district, conveyances of all real property sold under the provisions hereof.

School Meetings.

Sixteenth—The Board of Education may, and upon a petition signed by a majority of the heads of families residing in the district, as shown by the last preceding school census, must call meetings of the qualified electors of the district for determining or changing the location of one or more school houses, or for consultation in regard to any litigation in which the district may be engaged, or in regard to any affairs of the district.

Such meetings shall be called by posting three notices in public places in the district, one of which shall be in a conspicuous place on what is known as the Wilson School Building, for not less than ten days previous to the time for which such meeting shall be called, which notice shall specify the purposes for which said meeting shall be called ; and no other business shall be transacted at such meeting.

District meetings shall be organized by choosing a chairman from the electors present, and the District Clerk shall be the clerk of the meeting, and shall enter the minutes thereof on the records of the district.

A meeting so called shall be competent to instruct the Board of Education :

1. In regard to the location or change of location of one or more school-houses, and the use of the same for other than school purposes.

2. In regard to the purchase and sale of school sites, or other real property of the district.

3. In regard to prosecuting, settling or compromising any litigation in which the district may be engaged, or be likely to become engaged.

The Board of Education shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section.

Seventeenth—To determine annually the amount of school tax necessary for the maintenance of free public schools, and for carrying into effect all provisions of law regarding the same ; and the amount so determined by said Board of Education shall be reported in writing to the City Council. This report shall specify the proper items of the amount of money required in addition to State and county school money to maintain grammar and primary schools, the amount required for the high school, and the amount required for such other public schools of the district as are then established, and what will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing, enlarging, or improving old ones.

The City Council is hereby authorized and required to levy and collect as school tax the amount reported by the Board of Education, when said amount does not exceed the sum of fifteen cents on each one hundred dollars valuation, as shown by the assessment roll of the said school district. When the amount reported exceeds the sum of fifteen cents on each one hundred dollars valuation, as shown by the assessment roll of the said district, the Mayor and the City Council may, in their discretion, levy and collect as a tax a sum not to exceed twenty-five cents on the one hundred dollars valuation, as shown by the said assessment roll, but there shall be levied and collected not less than fifteen cents on the hundred dollars valuation, as shown by the said assessment roll.

Eighteenth—The Board of Education may, prior to the fifteenth day of August in any year, when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more school-houses, or for any or all of these purposes. Such election shall be called and moneys employed in accordance with the general laws of the State governing elections for district school tax.

Nineteenth—The Board of Education may, when in their judgment it is advisable, and must, when petitioned by a majority of the heads of families residing in the district,

call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school lots, and for building or purchasing one or more school-houses, and supplying the same with furniture and necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes.

Twentieth—All moneys collected for school purposes by the provisions of this charter shall be paid into the city treasury, to be disbursed upon the proper demands signed by the president and clerk of the Board of Education and approved by the City Auditor.

Twenty-first—All demands payable out of the school fund shall be filed with the clerk of the board and shall be approved by the Board of Education by a vote of three members thereof taken with the ayes and noes and spread on the minutes, and the action of said board indorsed on said demand and signed by the presiding officer and the clerk thereof.

SEC. 5. The Board of Education shall, at the first meeting in each year, or at such other time as shall be fixed by the board, appoint a clerk, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such clerk.

SEC. 6 The Board of Education may, at its discretion, appoint a Superintendent of Schools, and prescribe the duties and fix the salary of such superintendent.

SEC. 7. In all matters not specifically provided for in this charter the board shall be governed by the provisions of the general law relative to such matters.

ARTICLE 17.

PUBLIC LIBRARY.

SECTION 1. The public library and the reading rooms connected therewith shall be under the control and management of a Board of Library Trustees, consisting of five members, four of whom shall be appointed by the Mayor and their appointment confirmed by the Council; each of the four thus appointed shall be at least thirty years of age and shall have been a resident of the city for a period of three years next preceding his or her appointment. The fifth member of the board shall be the Mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

SEC. 2. The City Council shall, at the request of the Board of Library Trustees, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than five cents nor more than fifteen cents on the hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals, and other supplies therefor.

SEC. 3. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the Board of Trustees shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms and conditions of such donation or bequest.

SEC. 4. The title to all property, real or personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purposes of said library, when not inconsistent with the terms of this acquisition, shall vest and be and remain in said city, and in the name of said city may be used for or defended by action at law or otherwise.

SEC. 5. The board shall meet at least once each month, and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary, who shall keep the minutes of the board and shall keep a full record of all its business transactions. He shall serve for one year and until his successor is elected.

SEC. 6. The board by a majority vote of all its members to be recorded in its minutes, with the ayes and noes, shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government, and protection of the library, reading-rooms, and all property belonging thereto.

Second—To administer any trust declared or created for such library or reading-rooms and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto.

Third—To purchase books, journals, publications, and other supplies and personal property for the use of the said library.

Fourth—To appoint a Librarian and such other employes as may be necessary to properly conduct the said library and the reading-rooms connected therewith, to dismiss the Librarian or any other employe of the said library, to prescribe the duties and authority of the Librarian and employes and to fix their compensation.

Fifth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library.

SEC. 7. The members of the Board of Library Trustees appointed as in this charter provided shall receive no compensation for their services.

ARTICLE 18.

HEALTH DEPARTMENT.

SECTION 1. The Board of Health shall consist of five members, four of whom shall be appointed by the Mayor and their appointment confirmed by the Council; each of the four thus appointed shall be at least thirty years of age, a citizen of the State, and shall have been a resident and qualified elector of the city for a period of three years next preceding his appointment, and three of the four thus appointed shall be practicing physicians who shall have practiced their profession for at least three years preceding the day of their appointment. The fifth member of the board shall be the Mayor, who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years and one at the end of four years; thereafter their successors shall hold office for four years and until their successors are appointed.

SEC. 2. Three of the members of the board shall constitute a quorum for the transaction of business.

SEC. 3. The board shall at its first meeting and annually thereafter appoint one of its members, who is a practicing physician, as secretary of the board. The secretary shall be ex officio health officer of the city.

SEC. 4. The Board of Health shall have supervision of all matters pertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given to the board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, and the abatement of all nuisances prejudicial to the health of the citizens, or any of them. The board shall exercise a general supervision over and be the custodian of all death and cemetery records now owned or hereafter acquired by the city, and shall cause to be kept in books prepared for that purpose complete records of all deaths and births occurring in said city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have the power to prevent or forbid communication with infected families or houses, and, with the consent of the Mayor, may provide the necessary attendants and supplies for any pesthouse which may be in use.

SEC. 5. The City Council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; and all expenses necessarily incurred by the Board of Health in carrying out the provisions of law and this charter shall be provided for by the Board of Trustees, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

SEC. 6. The Secretary shall see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records pertaining thereto, and issue all permits for burials, cremations or removals in or from any of the cemeteries of the city, and no interments or cremations shall be made therein, unless said Health Officer is satisfied of the correctness and reliability of the certificate of death, presented for his inspection. He shall have the power of a police officer, and shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary conditions of the city as he may deem proper.

SEC. 7. The Health Officer shall visit, once in each quarter, all public buildings and school-houses in said city. During such visit he shall examine the manner in which they are lighted, ventilated and heated, and particularly as to their sanitary condition.

The Health Officer shall promptly report in writing to the superintendents or governing authorities of all schools, the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious or infectious disease. Said superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, countersigned by the Health Officer, or from the Health Officer, that there is no longer any danger from contagion. When a case of contagious disease is reported to the Health Officer, he may visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises.

The Health Officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pesthouse, the Health Officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

Every member of the Board of Health may administer oaths on matters connected with the Health Department.

SEC. 8. The Health Officer shall receive such compensation as may be fixed by the City Council. The other members of the board, appointed as in this charter provided, shall receive no compensation for their services.

ARTICLE 19.

ELECTIONS.

SECTION 1. Elections to be held in the city shall be either general or special.

SEC. 2. On the first Monday of April, nineteen hundred and one, and biennially thereafter, there shall be held in the city a general municipal election, at which shall be elected by the electors of the city the elective officers, provided for by this charter, who shall take office at noon on the first Monday of May after their election. The provisions of this section shall not apply to the members of the Board of Education, whose election is provided for in article sixteen of this charter.

SEC. 3. The provisions of the general law of the State governing municipal elections, where the same are held separate from the general State elections, are hereby adopted as the law governing city elections.

SEC. 4. The conduct and carrying on of all city elections shall be under the control of the City Council, and the Mayor and City Council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of State and county officers at the last general election preceding the city election.

SEC. 5. At all city elections each of the election officers shall receive three dollars for his services.

SEC. 6. The provisions of the general laws of the State governing elections for State and county officers, not inconsistent with the provisions of this charter, shall govern city elections in matters for which no provision is made in this charter, and the City Council and City Clerk respectively shall exercise the powers and perform the duties conferred or imposed by such laws on Boards of Supervisors and County Clerks concerning elections.

SEC. 7. Every person who resides within the exterior boundaries of any of the municipal election precincts of the city at the time of the holding of any municipal election, and who was a qualified elector at the general State election immediately preceding such municipal election, and who, at the time of the holding of such general State election, was upon the Great Register of the County of Los Angeles as a qualified elector of any of the precincts which comprise such municipal election precinct, shall be entitled to vote at such municipal election without other or additional registration.

SEC. 8. All other persons claiming the right to vote at such municipal election must be registered upon the Great Register of the County of Los Angeles as an elector of and within one of the precincts comprising the municipal election precinct wherein he claims the right to vote, at least twenty-five days prior to such municipal election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding of such municipal election.

SEC. 9. The election returns from each municipal election precinct shall be filed with the City Clerk, who shall immediately place them in the safe or vault in the City Clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the City Council. After having been canvassed, they shall be sealed up and kept by the City Clerk for six months; and no person shall have access to them, except on the order of a court of general jurisdiction.

SEC. 10. On the first Monday after the election and at their usual time and place of meeting, the City Council shall meet and canvass the returns and declare the result.

SEC. 11. After the result of an election is declared, or when an appointment is made, the City Clerk under his hand and official seal shall issue a certificate therefor and serve the same by depositing such certificate, with the postage prepaid, in the United States postoffice in Pasadena, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the City Clerk.

ARTICLE 20.

MISCELLANEOUS PROVISIONS.

SECTION 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets, and alleys or when new streets, alleys, or public places are laid out, opened, donated, or granted to the public, the map or plat thereof shall be submitted to the Council and the City Engineer for their approval, and if such Council and Engineer approve the same, such approval shall be indorsed upon said map or plat, the approval of the Council being evidenced by the certificate of the clerk thereof, and no street, alley, or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the Council as a public street, alley, or place or be subject to any public improvement, without such approval and endorsement.

SEC. 2. No Councilman or other city officer or employé shall be interested, directly or indirectly, in any contract in which the city is a party or which is made by any officer of the city in behalf of the city. And any such contract in which such Councilman, officer or employé is interested shall be void. Any violation of this section by any such

Councilman, officer or employé shall be a misdemeanor and be punishable as such and upon conviction, the office of such Councilman, officer or employé shall be declared vacant by the Council. And such vacancy shall be filled as is herein provided for the filling of other vacancies.

SEC. 3. No recourse shall be had against the City of Pasadena for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer, nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by the falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damages sustained.

SEC. 4. In any action, suit, or proceeding in any court concerning an assessment of property or levy of taxes authorized by this charter, or the collection of such taxes, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter, or thing is by this charter committed or left to the discretion of the Mayor or Council, or other authorities of the city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 5. In all prosecutions for violations of city ordinances, rules or other regulations, whether in the court of original jurisdiction or in any appellate court, it shall not be necessary to plead the contents of such ordinance, rule or regulation, but the court before which the prosecution is pending shall take judicial notice of such ordinance, rule, or regulation, and of the contents thereof; and in any civil action in which the city is a party either as plaintiff or defendant the adoption and contents of any ordinance, rule, or regulation of said city may be prima facie proven by the introduction of the original entry thereof on the journal of the proceedings of the Council, or by a copy of such entry certified to by the City Clerk under the seal of the city to be a full, true, and correct copy of such original entry.

SEC. 6. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

SEC. 7. All ordinances and resolutions of the city and all regulations or rules prescribed by or for the government of any of its departments, officers, or employés, which are in force at the time of the taking effect of this charter and which are not inconsistent therewith, shall continue in force until altered, amended, or repealed.

SEC. 8. All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments or officers in progress, begun, or in existence at the time of the taking effect of this charter, and not inconsistent therewith are hereby preserved, and shall continue to be valid and the same shall be enforced, continued, or completed in all respects as though vested or begun hereunder.

SEC. 9. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the State in force at the time are hereby declared to be, and shall be, a part of this charter so far as the same are or may be applicable to the class of cities to which this municipality may belong.

SEC. 10. Whenever the word "city" occurs in this charter it means the City of Pasadena, and whenever any department, board, or officer is mentioned in this charter it means such department, board, or officer, as the case may be, of the City of Pasadena.

SEC. 11. The Board of Trustees of the City of Pasadena, in office at the time this charter is approved by the Legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election.

SEC. 12. The officers of the city in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the first Monday in May, nineteen hundred and one. The School Trustees of the Pasadena City School District in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the members of the first Board of Education elected under this charter.

SEC. 13. No person shall be appointed to, or removed from, any office under this charter because of his political or religious opinions. In making appointments the appointive power shall consider only the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed.

SEC. 14. This charter shall go into effect for all election purposes on the day of its adoption by the Legislature, and for all other purposes, unless otherwise herein provided, on the first Monday of May, nineteen hundred and one.

ARTICLE 21.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the City Council to the qualified electors of the city, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature, as provided in the Constitution of the State of California for the approval of this charter in the first instance. In submitting such proposals alternative propositions may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

SEC. 2. The proposals for the amendment of this charter referred to in the preceding section may be submitted by the City Council on its own motion, but must be submitted by the City Council in the manner provided in said section, whenever a petition is presented to such Council, signed by a number of the qualified electors of the city equal to thirty per centum of the votes cast at the preceding general city election, asking that an amendment or amendments to this charter to be set out in such petition be submitted to the vote of the electors of the city. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath, before an officer competent to administer oaths, that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

SEC. 3. The City Council must make all necessary provisions for submitting the proposed amendment or amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The tickets used at such elections shall contain the words "For the amendment" (stating the nature of the proposed amendment) and "Against the amendment" (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The City of Pasadena, a city containing a population of more than three thousand five hundred inhabitants, did, on the eleventh day of May, A. D. 1900, at a special election, and under and in accordance with the provisions of section eight, article eleven, of the Constitution of the State of California, elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city;

Be it known, that in pursuance of said provision of the Constitution, and within a period of ninety days after such election, the said Board of Freeholders has prepared and does propose the foregoing articles signed in duplicate, as and for the charter of the said City of Pasadena.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Pasadena, in the State of California, this sixth day of August, A. D. 1900.

A. R. METCALFE, President.
NORMAN BRIDGE.
JAS. D. GRAHAM, Sec'y.
B. F. BALL.
FRANK P. BOYNTON.
THOMAS EARLEY.
DELOS ARNOLD.
FRED R. HARRIS.
M. E. WOOD.
J. D. NASH.
JOHN McDONALD.
CYRUS M. DAVIS.
FRANK S. WALLACE.
ROBERT EASON.

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, } ss.
CITY OF PASADENA. }

I, Heman Dyer, Clerk of the City of Pasadena, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the City of Pasadena, prepared and proposed by a duly qualified Board of Freeholders, duly elected on the eleventh day of May, A. D. nineteen hundred; and that a copy of said charter was duly filed with the President of the Board of Trustees of the City of Pasadena on the eighth day of August, A. D. nineteen hundred, said copy having been duly signed by a majority of the members of such board, to wit: fourteen of said members; and that another copy of said charter, signed by a majority of said board, to wit: fourteen members thereof, was on said eighth day of August, A. D. nineteen hundred, duly filed with the Recorder of the County of Los Angeles; that thereafter said proposed charter was duly published in two daily newspapers of general circulation in said City of Pasadena for at least twenty days, and the first publication thereof was made within twenty days after the completion of the said charter; and that within not less than thirty days after such publication, said charter was duly submitted to the qualified electors of said city at a special election called therefor, said election being held on Tuesday, the twentieth day of

November, A. D. nineteen hundred, and that at said election a majority of such qualified electors voting thereat duly ratified the same. And I further certify that said City of Pasadena is a city containing a population of more than three thousand five hundred inhabitants.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Pasadena, this tenth day of January, A. D. nineteen hundred and one.

[SEAL.]

HEMAN DYER,
Clerk of the City of Pasadena.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Pasadena, as presented to, and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of the said City of Pasadena aforesaid.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutler, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—34.

NOES—Senator Shortridge—1.

Resolution ordered transmitted to the Assembly.

The Secretary was directed to read Senate Concurrent Resolution No. 3.

SENATE CONCURRENT RESOLUTION NO. 3.

Concurrent Resolution approving the Charter of the City of Fresno, County of Fresno, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the nineteenth day of October, A. D. one thousand eight hundred ninety-nine

WHEREAS, The City of Fresno, in the County of Fresno, State of California, is now and at all times herein mentioned has been a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At the regular city election held therein on the tenth day of April, A. D. one thousand eight hundred and ninety-nine, according to law and to the provisions of section eight of article eleven of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified voters thereof, to prepare and propose a charter for said city; which board of freeholders did, within ninety days after said election, prepare, propose, and frame a charter for the government of said city; and whereas the same was on the thirtieth day of June, A. D. one thousand eight hundred ninety-nine, signed in duplicate by a majority of the said board of freeholders; and said charter was thereupon and by said board of freeholders, returned, one copy to the chairman of the Board of Trustees of said city, and the chief executive officer thereof, and the other copy to the County Recorder of the said County of Fresno, the same being the county in which said city is situate; and whereas, said charter was published in two daily newspapers of general circulation in said city, to wit: in the "Fresno Morning Republican" and in "The Fresno Evening Democrat," in each instance for more than twenty days after such return, such publication having been commenced within twenty days after the completion of said proposed charter; and whereas, said charter was submitted within not less than thirty days after the completion of said publication by the legislative authority of said city, to wit: by the Board of Trustees thereof, to the qualified electors of said city, at a special election previously duly called, and thereafter held therein on the nineteenth day of October, A. D. one thousand eight hundred and ninety-nine; and whereas, at the special election last aforesaid, a majority of the qualified electors of said city voting thereat, did vote in favor of and ratify said charter so framed and proposed, and the same is now hereby submitted to the legislature of the State of California for its approval or rejection as a whole, as provided for in section eight of article eleven aforesaid; and whereas, the said charter so ratified is in the words and figures as follows, to wit:

CHARTER FOR THE CITY OF FRESNO.

ARTICLE I.

OF BOUNDARIES, RIGHTS AND LIABILITIES.

SECTION 1. The municipal corporation, now existing, known as the City of Fresno, shall remain and continue a body politic and corporate, in name and in fact, by the

name of the City of Fresno, and by that name shall have perpetual succession; may sue and defend in all courts and places, and in all matters and proceedings whatever; and may have and use a common seal, and the same alter at pleasure; and may purchase, receive, hold and enjoy real and personal property, within and without the City of Fresno, and sell, convey and dispose of the same for the common benefit; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn; and may receive bequests, gifts and donations of all kinds of property, within and without the city, in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

SEC. 2. The public buildings, lands and property, all rights of property, and rights of action, all moneys, revenues, and income belonging or appertaining to the City of Fresno, are hereby declared to be vested in said City of Fresno.

SEC. 3. The said City of Fresno shall continue under this charter, to have, hold, use, and enjoy all public buildings belonging to the City of Fresno, and lands and property, real and personal, rights of property, rights of action, suits, actions, moneys, revenues, income, books, documents, records, archives, claims, demands, and things in possession and action, of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

SEC. 4. Suits, actions and proceedings may be brought in the name of the City of Fresno for the recovery of any property, money, or thing, belonging thereto, in law or equity, or dedicated to public use by the city, or for the enforcement of any rights of, or contracts with, said City of Fresno, whether made or arising or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings in the courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said City of Fresno.

SEC. 5. No recourse shall be had against the city for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall, with their sureties, be jointly and severally liable to the party injured for the damage sustained.

Boundaries.

SEC. 6. The boundaries of the City of Fresno are as follows:

Commencing at the southeast corner of section three, township fourteen south, range twenty east, Mount Diablo base and meridian; thence north to the northeast corner of said section; thence west to the northwest corner of section four in said township and range; thence south to the southwest corner of the northwest quarter of said section four; thence west to the northwest corner of the east half of the southeast quarter of section five in said township and range; thence south to the southwest corner of the east half of the southeast quarter of section eight of said township and range; thence east to the southeast corner of the west half of the southeast quarter of the southeast quarter of section ten in said township and range; thence north to the northeast corner of the west half of the southeast quarter of the southeast quarter of said section ten; thence west to the southeast corner of the northwest quarter of the southeast quarter of said section ten; thence north to the northeast corner of the west half of the northeast quarter of said section ten; thence east to the point of beginning.

Said boundaries include all of sections three, four and nine; the west half; the west half of the northeast quarter; the west half of the southeast quarter and the west half of the southeast quarter of the southeast quarter of section ten; the east half of the southeast quarter of section five; the east half of the east half of section eight; all in township fourteen south, range twenty east, Mount Diablo base and meridian.

Wards.

SEC. 7. The City of Fresno is hereby divided into eight wards, numbered consecutively from one to eight inclusive, as follows:

All that portion of the city bounded by the centers of Magnolia avenue, Trinity, Calaveras and "N" streets and Glenn avenue, and the north and west boundary lines of the city shall constitute the first ward.

All that portion of the city bounded by the centers of Magnolia avenue, Trinity, Calaveras, "M" and Fresno streets and the west boundary line of the city shall constitute the second ward.

All that portion of the city bounded by the centers of Glenn avenue, "N," Calaveras, "M," Fresno, "Q" and Diana streets and the north boundary line of the city shall constitute the third ward.

All that portion of the city lying southwest of the center of "M" street and between the centers of Fresno and Tulare streets shall constitute the fourth ward.

All that portion of the city bounded by the centers of Diana, "Q" Fresno, "M," Tulare and Angus streets and the north boundary line of the city shall constitute the fifth ward.

All that portion of the city southwest of the centers of "K" street and between the centers of Tulare street and Ventura avenue shall constitute the sixth ward.

All that portion of the city bounded by the centers of Angus, Tulare and "K" streets, the center of Ventura avenue and the east and north boundary lines of the city shall constitute the seventh ward.

All that portion of the city southeast of the center of Ventura avenue shall constitute the eighth ward.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SEC. 10. The legislative power of the city shall be vested in a Board of Trustees. Each member of the Board of Trustees shall be at least twenty five years of age. A new Board of Trustees shall be elected every four years, and shall consist of eight members, to be nominated and selected from the respective wards and elected by the city at large. The nominee in each ward receiving the highest number of votes for Trustee shall be declared elected.

SEC. 11. Any vacancy occurring in the office of Trustee shall be filled by appointment by the Mayor, and the person so appointed by him shall possess the qualifications hereinbefore prescribed for members of said board, and shall hold office until the election and qualification of a Trustee to fill the vacancy, which election shall take place at the next succeeding municipal election.

SEC. 12. The Board of Trustees shall meet on the first Monday next after the election of its members shall have been officially declared, and shall hold regular meetings on every first and third Monday monthly thereafter.

SEC. 13. Special meetings may be called by the Mayor or three members of the Board of Trustees. Five members of the board shall constitute a quorum, and the affirmative vote of five members shall be necessary for the passage of an ordinance, or the final transaction of any business; but a less number than five may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe.

SEC. 14. The Mayor shall preside at all meetings of the Board of Trustees. The Board of Trustees shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence; and may expel any member for malfeasance in office by an affirmative vote of seven of its members. The board shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars, or imprisonment not exceeding five days, or by both such fine and imprisonment.

SEC. 15. The Mayor and the chairman of each committee of the board shall have the power to administer oaths and affirmations relating to any business brought before the board or under consideration by any committee thereof.

SEC. 16. No ordinance shall be revised or amended by reference only to its title, but when any ordinance is amended, the section or sections thereof so amended shall be re-enacted at length as amended.

SEC. 17. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 18. No proposed ordinance shall be adopted except by vote taken by ayes and noes, and the names be entered in the minutes.

SEC. 19. No resolution granting any franchise, and no ordinance for any purpose shall be passed by the Board of Trustees on the day of its introduction, nor within five days thereafter, nor until it has been published at least once in a newspaper published in the City of Fresno, or printed and posted in at least three public places therein, nor at any other than a regular meeting or an adjourned regular meeting, and no such resolution and no ordinance shall be passed without being first submitted to and its legal form approved in writing by the City Attorney.

SEC. 20. No ordinance shall be passed except by bill. Every bill, after it has passed the board, shall be signed by the Mayor. The Mayor shall return such bill to the board, or file the same with the City Clerk, within ten days after receiving it. If he sign the same it shall then become an ordinance, but if he disapprove the bill he shall state his objections thereto in writing. If the bill be not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC. 21. When a bill is returned without the approval of the Mayor, the board shall, within fifteen days thereafter, proceed to consider and vote on the same. If the bill be again passed by an affirmative vote of not less than six members, it shall take effect as if the Mayor had approved the same. If the bill fail on being reconsidered to receive six affirmative votes, it shall then be finally lost. The votes shall be taken by ayes and noes, and the result shall be entered in the minutes of the board.

SEC. 22. No ordinance passed by the board shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 23. The Board of Trustees shall, in the year 1902, and every tenth year thereafter, redistrict the city into eight wards, making the same as nearly equal in population, and as geographically compact, as possible; but the city shall not be so redistricted within ninety days previous to any municipal election.

SEC. 24. The enacting clause of all ordinances shall be in these words: "The Board of Trustees of the City of Fresno do ordain as follows."

SEC. 25. Except as otherwise herein provided, no contract for supplies, printing, advertising, stationery, maintenance of prisoners, water, fuel, street sprinkling, street repairs, or lighting streets, public buildings, places or offices, shall be made for a longer period than one year; nor shall any contract be made to pay for water, fuel, gas, electric lights or any other illuminating material at a higher rate than is charged to any other customer.

SEC. 26. No contract calling for the payment of more than one hundred dollars shall be effective unless authorized by a vote of the Board of Trustees; when any contract shall be so authorized it shall, before it becomes effective, be presented to the Mayor for his approval; and the Mayor shall return the same to the board, or to the clerk thereof, within five days after receiving it. If he sign the same it shall then become a contract, but if he disapprove it, he shall state his objections thereto in writing. If the proposed contract be not returned with such approval or disapproval within said five days, it shall become valid as if he had approved the same. When a proposed contract is returned without the approval of the Mayor, the Board of Trustees shall, within ten days thereafter, proceed to consider and vote on the same. If it be again authorized by an affirmative vote of not less than six members, it shall become a valid contract of the city the same as if the Mayor had signed it, and not otherwise. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the board.

SEC. 27. Every officer of the city shall, at the end of each month, make, in writing, and furnish to the Board of Trustees, a full and detailed statement upon oath of all moneys received or disbursed by him, and of his other official transactions during said month. He shall also make like statements at such other time as the Board of Trustees may require.

SEC. 28. The Board of Trustees shall have power:

First—Except as in this charter otherwise provided—to try, and by majority vote of all the members of the board, to remove from office appointees against whom charges have been preferred; and by not less than seven affirmative votes to remove any appointee at any time when in the judgment of the board the public service will be improved thereby.

Second—To make by-laws and ordinances not repugnant to the Constitution of the United States or of the State of California, or any of the provisions of this charter.

Third—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state or county purposes, as hereinafter provided and limited.

Fourth—To sell, use, lease, control, improve and take care of the real estate and personal property of the city; *provided, however,* that said board shall have no power to mortgage or hypothecate any property of said city for any purpose.

Fifth—To lay out, extend, alter or close streets and alleys; provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise permanently improving the same, and for the construction, repair, regulation and preservation of sidewalks, bridges, drains, curbs, gutters and sewers, and to prevent or remove obstructions thereto or to any part thereof, and to provide for the numbering of houses.

Sixth—To regulate or exclude the landing and storage of gunpowder and other combustible materials.

Seventh—To determine what are nuisances, and prevent and remove the same.

Eighth—To regulate the maintenance of acid works, slaughter-houses, wash-houses, laundries, tanneries, offensive trades, and all other manufactories, works, store houses and business of every description that may endanger the public safety, health or comfort, and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

Ninth—To fix and collect license taxes on and to regulate theaters, melodeons, balls, concerts, dances, and all theatrical and melodeon performances and performances of any kind for which an admission fee is charged, or which may be held in any house where wines or liquors are sold, circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements. To fix and collect a license tax on all taverns, hotels, restaurants, saloons, bar-rooms, bankers, brokers, gold dust buyers, manufacturers, livery stable keepers, express companies and persons engaged in transmitting letters or packages, railroad and stage companies, or owners, whose principal place of business is in said city, or who shall have an agency therein; to license and regulate auctioneers; to license, tax, regulate, prohibit or suppress all tippling houses, dram shops, saloons, bars, bar-rooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths and sheds; to prohibit and suppress all dog-fights, prize-fights, cock-fights, bull or bear or badger baits; also, to prohibit or suppress all gaming and all gambling or disorderly houses; also, to regulate, prohibit or suppress all houses of ill-fame; also, to fix and collect a license tax upon all lawful professions, trades or business not heretofore specified.

Tenth—To provide and maintain all public buildings, parks or squares necessary or proper for the use of the city, within or without the limits of the same.

Eleventh—To provide and maintain a morgue.

Twelfth—To prevent and restrain any riot or riotous assemblage or disorderly conduct within said city, or on property owned or leased by it.

Thirteenth—To establish and regulate markets.

Fourteenth—To provide for conducting elections and appointing the necessary election officers.

Fifteenth—To fix, alter and change the route of any railroad in the city, and regulate the speed at which the cars may run within the city limits, or any portion thereof.

Sixteenth—To examine, either in open session, or by committee or commission, books, papers, vouchers, reports, and statements, of the several officers, or of any other person having custody, care, management, collection, disbursement, or control, of any moneys or property belonging, appertaining or appropriated to the city, or either of its funds, trusts or uses.

Seventeenth—To license hackney coaches, cabs, omnibuses, drays, and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for taverns or hotels.

Eighteenth—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as found legal or illegal.

Nineteenth—To make appropriations, examine and audit, reject or allow, the accounts of all officers or other persons having the care, management, collection, or disbursement of any money collected for, belonging, appertaining or appropriated to the city, or any of its uses or trusts, and to determine, allow and pay the salary, fees or percentage which such officer or other person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in all cases to specify the fund or funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such fund or funds for the fiscal year. In no case shall a liability be created or a warrant drawn against any fund beyond the actual amount of money existing in such fund wherewith to meet the same; *provided, however*, should the board, or a majority thereof, contract or create any debt against the city contrary to the provisions of this charter, such debt, claim or obligation shall be null and void as against the city or any of its funds; but every Trustee voting in favor of the contracting or creation of any such illegal debt shall be held personally responsible for the entire debt so created or contracted, and shall be deemed guilty of a malfeasance in office, and upon conviction shall be removed therefrom.

Twentieth—To control, enlarge and improve or abolish the cemeteries belonging to the city, and to acquire other cemeteries, and to sell or lease lots therein; to control and regulate interments, and prohibit them within the city limits.

Twenty-first—To establish fire limits and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings and signs.

Twenty-second—To provide for supplying the city with water, and to regulate the sale and distribution thereof.

Twenty-third—To provide for lighting the public streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial gas, natural gas, electricity or other means of illumination.

Twenty-fourth—To provide and maintain a city prison, and for the care, feeding, working and clothing of the city prisoners.

Twenty-fifth—To make real estate in said city liable for the construction of sidewalks, crossings and all other street improvements adjacent thereto, and provide for the forced sale thereof for such purposes.

Twenty-sixth—To prevent or regulate the running at large of any animals; to establish a pound and to authorize the destruction, sale or impounding of any animals found running at large.

Twenty-seventh—To regulate or prohibit the use of steam boilers, gas engines, the location of telegraph, telephone, electric light and other poles and wires, and the construction of entrances to cellars and basements from sidewalks.

Twenty-eighth—To regulate the entrances to and exits from theaters, lecture-rooms, public halls and churches and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches or other obstacles in the aisles of such buildings.

Twenty-ninth—To regulate and control the construction and maintenance of, and to grant the right to construct and maintain, subject to control by the board, pipes, tubes, conduits, signal bells, warning signs, wires and other electric, telegraph and mechanical appliances, in, along, over, under and across the streets; *provided*, that said appliances shall be so constructed and placed as not to interfere with the fire alarm system, nor with the extinguishing of fires, nor with the free use of the sidewalks and streets. Also to require railroad companies either to station flagmen or to place sufficient warning signals or signal bells on such street crossings as may in the judgment of the board be necessary. To construct or require any railroad corporation operating a railroad in or through the city to construct all necessary and convenient bridges or crossings over or under such railroad track or tracks, and according to plans and specifications and directions therefor provided by resolution or ordinance of the Board of Trustees; and to require to be opened and maintained by any railroad company or corporation operating, maintaining and conducting any railroad through any portion of said city, all such street crossings as may now exist or that public convenience may require, in the judgment of

the Board of Trustees of said city; and by resolution or ordinance compel the opening of said crossings, and the maintenance and repair thereof as directed and required; and to prohibit the obstruction of any and all street crossings.

Thirtieth—To grant franchises permitting any person, company or corporation to lay and maintain tracks and to pass with steam railroads along, upon and across or elevated above or placed below any street of the city; *provided*, that the free use of such street shall not be unnecessarily obstructed thereby; *and provided, further*, that any such franchise shall be granted only after notice published for thirty days in a daily newspaper published in the city, and by ordinance passed by the affirmative votes of not less than six members of the board. Such grants shall be without prejudice to the rights of non-consenting owners to compensation for damages.

Thirty-first—To grant franchises for a term not exceeding twenty-five years for the construction and operation of street railways on and along the streets of the city, upon the following terms, viz: Whenever the Board of Trustees shall determine that a franchise to construct and operate a street railway along and upon any of the streets of the city should be granted, the board shall, after such determination, cause notice to be published for ten days in a daily newspaper published in the city, specifying the route over and along which it is determined to grant such franchise, and shall offer to grant the same to the person, company or corporation that shall agree to pay to the City of Fresno, at the expiration of ten years after the franchise is granted, and thereafter semi-annually, the largest per centum of the gross receipts of such road; *provided*, that all grants of franchises for street railways shall be upon condition that single fares on such road shall not exceed five cents, and that only such rails as are of the most approved pattern shall be made use of in the construction of the road. The board may, in the granting of such franchise, impose such further regulations and restrictions in the use thereof as to the board may appear expedient, and the board may also reject any and all bids, and refuse to grant any franchise for the proposed route; *provided, further*, that the board shall not grant any franchise for the construction of a street railway except upon conditions that at least one per cent. of the gross receipts of such railway shall be paid to the city each year after the expiration of ten years from the granting of the franchise.

Thirty-second—To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

Thirty-third—To require, upon such notice as the board may direct, any lots or portion of lots within the city which may be covered with stagnant water a portion of the year, to be filled up to such level or grade as will prevent the same from being so covered, and to assess the cost of such filling upon such real estate, and provide that it shall be a lien thereon; and to require and provide that the owners of lots fronting on any street or sidewalk of the city shall at all times keep such sidewalks free from weeds, grass and rubbish and other obstructions; and to remove all rubbish and unsightly matter from their property.

Thirty-fourth—To make all needful rules to govern the official conduct and duties of all officers and employes of the city whose duties are not defined by this charter, and to impose additional duties upon those whose duties are stated; and to fix and regulate the charges and fees of all such officers where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the city treasury.

Thirty-fifth—To prescribe fines, forfeitures and penalties for the breach of an ordinance and for the violation of any provision of this charter; but no penalty shall exceed the amount of three hundred dollars, or ninety days' imprisonment, or both such fine and imprisonment.

Thirty-sixth—To authorize the Mayor to employ, in addition to the City Attorney, an attorney at law to prosecute and defend the interest or property rights of the City of Fresno, or any question involving the rights of the inhabitants thereof in any suit pending or to be brought for or against the said city; and to provide for the employment and compensation of said attorney in any such suit or action; *provided* that where such compensation exceeds the sum of two hundred dollars, such employment or contract must be approved by the Board of Trustees.

Thirty-seventh—To make all rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the board by this charter or by general laws.

Thirty-eighth—To make and enforce all such other local, police, sanitary, and other regulations as are not in conflict with general laws or the provisions of this charter.

Thirty-ninth—To provide for the erection and construction of necessary levees, waterways, and other structures within or without the city, where necessary to prevent the overflow of said city by water, and to provide for the payment of the cost thereof.

ARTICLE III.

EXECUTIVE DEPARTMENT.

The Mayor.

Sec. 30. There shall be a Mayor, who shall be the chief executive officer of the city. He shall be at least thirty-two years of age.

Sec. 31. He shall vigilantly observe the official conduct of all public officers, and

take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property; and the books, records and official papers of all departments, boards, officers and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers and persons are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Board of Trustees, City Attorney or District Attorney, in order that the public interests may be protected, and the person in default be proceeded against according to law.

One—He shall, from time to time, give the Board of Trustees information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interest.

Two—He shall see that the laws of the state, the provisions of this charter, and the ordinances of the city are observed and enforced.

Three—He shall appoint a competent person, or persons, expert in matters of book-keeping and accounts, to examine the books, records, condition and affairs of every department, board or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from office by the Mayor, and may be removed as for malfeasance in office.

Four—He shall have a general supervision over all departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted.

Five—He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the citizens, or the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed.

SEC. 32. The Mayor shall preside at all meetings of the Board of Trustees, and shall be entitled to vote only on questions coming before said board when the votes of said Trustees are evenly divided.

SEC. 33. The Mayor shall sign all warrants ordered drawn by the Board of Trustees; and shall sign all written contracts entered into by said city, on behalf of the city. All of said contracts shall be executed in duplicate, one copy thereof delivered to the party contracting with the city, and the other filed in the office of the City Clerk for future reference.

SEC. 34. The Mayor shall sign all conveyances made by said city, and is authorized to acknowledge the execution of all instruments executed by said city, that require to be acknowledged.

SEC. 35. He shall, at least once a month, together with the Clerk and City Attorney, count the cash in the city treasury and see that it corresponds with the books of the Treasurer and Clerk, and report the result of such count to the Board of Trustees.

SEC. 36. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers, elected or appointed; he shall have power to suspend any elective city officer (except a member of the Board of Trustees) for a dereliction, neglect or non-performance of duty, and shall report the same to the Board of Trustees. If the board, after a hearing, by affirmative vote of at least six members, approve of the suspension, they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Board of Trustees.

SEC. 37. When and so long as the Mayor is temporarily unable to perform his official duties, the Board of Trustees shall elect one of their number to act as Mayor pro tempore. When a vacancy occurs in the office of Mayor it shall be filled for the unexpired term by the Board of Trustees assembled for the purpose. A member of the Board of Trustees, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 38. The Mayor, by and with the consent of the Board of Trustees, shall appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law. When a nomination is made to the board action shall be taken thereon by the board in not less than five nor more than fifteen days thereafter; and in case the officer nominated is not confirmed, the Mayor shall, within ten days thereafter, nominate another, and may continue doing so until the place is filled. No member of the Board of Trustees shall ever suggest, request the appointment of, appoint, or nominate, any officer, clerk or employé to any place in the city government, except to fill a vacancy in the office of Mayor or City Clerk, and necessary election officers.

SEC. 39. The Mayor shall not, during the term for which he shall have been elected, hold any other office or be a member of any board or commission connected with the federal, state, county or city government, except as in this charter otherwise provided. Nor shall he ever receive from the city, for any cause or reason, any other or greater compensation than the salary allowed him by this charter as Mayor.

SEC. 40. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

City Clerk.

SEC. 41. There shall be a City Clerk who shall have the custody of and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by other officers or elsewhere by special provision committed to their custody; he shall be present at each meeting of the Board of Trustees, and keep a record of its proceedings; he shall keep separate books in which, respectively, he shall record all ordinances, contracts, and official bonds; he shall keep all of his books properly indexed and open to public inspection when not in actual use; he shall make out, sign and deliver to the collector, charging him therewith and taking his receipt therefor, all licenses and receipts for water rates; he shall number and keep a record of all demands passed by the board, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the written order of the Treasurer directing him to issue a receipt for money paid into the city treasury, charge the Treasurer with the amount received by him and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at any time in the city treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and receipts for water rates, charging them therewith and taking their receipts therefor.

SEC. 42. He shall, on the first Monday of each month or oftener if required, report in writing to the Mayor, and likewise to the Board of Trustees, the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make a semi-annual report showing the sources from which the city's revenues were derived and how expended. He shall draw and sign all warrants upon the treasury, except as otherwise in this charter provided. Every demand must, before it can be paid, be verified by the oath of the claimant, or some one in his behalf and be presented to the Clerk for approval, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and if so out of what fund, and that there is sufficient money in such fund with which to pay the same. After such examination he shall approve or reject the claim, in whole or in part, and endorse on such demand his approval or rejection over his signature, together with the date thereof. If it be approved, the fund out of which it is to be paid shall be designated. If the claim be rejected, or any part of it, unless the party presenting it be willing to take in full of the entire demand the sum offered, the Clerk shall return it, with his reasons for rejecting it, to the board or other body which originally authorized it; then if it be allowed by a majority vote of all the members of the board, or other body authorizing it, and approved by the Mayor, it shall be audited in the same manner as if it had not been rejected; *provided*, the said board or other body had the authority to make the expenditure out of which the claim arose. No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specify on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Clerk in the order of its presentation to him; and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order as allowed. No demand upon the treasury shall be allowed by the Clerk in favor of any officer or other person, or his assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the Board of Trustees; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Clerk, to do any duty imposed upon him by law or ordinance, or other regulation of the Board of Trustees.

SEC. 43. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salary or wages received by each opposite his name, which list shall be revised and corrected by him monthly, and perform such other duties as are or shall be imposed upon him by this charter or by ordinance; he shall devote his entire time to the duties of his office; he shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor.

License Collector.

SEC. 44. The Chief of Police shall be ex officio License Collector. It shall be the duty of the License Collector to receive and collect all city licenses, water rates, cemetery receipts, and such other branches of the city revenue not otherwise herein provided for as the Board of Trustees may by ordinance direct, and pay the same over to

the Treasurer weekly. The time and manner of collection of licenses shall be provided by the Board of Trustees.

SEC. 45. Whenever any person required by any city ordinance to take out a license shall fail, neglect, or refuse to take out such license, and pay therefor in the manner and at the time in such ordinance provided; or, if any person so required to take out any license, shall transact, do or carry on any business, trade or occupation, without having first procured the requisite license for such trading or carrying on, the License Collector shall report such delinquent to the City Attorney, who shall at once bring suit in the name of the city, against the delinquent; and in such case the License Collector or City Attorney may make the necessary affidavit, as in other cases, for an attachment, and a writ of attachment shall issue, upon the filing of the affidavit, against the property of such delinquent, without an undertaking being filed by or on behalf of the city; and in such action the sum of fifteen dollars—ten dollars of which shall be paid to the City Attorney for services in prosecuting said action, and five dollars to the License Collector for reporting the same—shall be included in the judgment as liquidated damages, together with the original debt and costs of the action: *provided, however*, nothing in this section shall authorize the court, officer, or any other person whomsoever, to make any claim or charge against the city for any services rendered in or about any such action; *and provided further*, that in any such suit no witness for the plaintiff shall be entitled to demand or receive any witness fees or mileage in advance, nor shall any witness be entitled to charge or receive any fees or mileage whatever unless the same be recovered as costs from the defendant; *and provided further*, that any person who shall commence or continue to do, transact or carry on any business, trade, profession, or calling, for which a license may by any ordinance be required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned for not less than five nor more than fifty days. Upon the trial of any criminal action provided for by this section, the defendant shall be deemed not to have procured the proper license, unless he either produce it or prove that he did procure it; but he may plead in bar of the criminal action a recovery against him and the payment by him, in a civil action, of the proper license money, damages and costs.

SEC. 46. All billiard tables, bar fixtures, ten-pin alleys, pins and balls, furniture, crockery, glassware, liquors, and chattels of every kind used in transacting or carrying on or doing the business of a drinking saloon, bar, restaurant, billiard saloon, ten-pin alley, tavern, eating-house, ball-room, dance-house, theater or circus, where by ordinance such business is required to be licensed, shall, without reference to the actual ownership of such property, be liable for and may be taken in attachment or on execution for the license money due on the business in which they are allowed to be used, and every dray, cart, wagon, carriage, hack, omnibus, or other vehicle required by ordinance to be licensed, together with the horse or horses commonly used thereon, shall, without reference to the actual ownership of such property, be liable for and may be taken in attachment or on execution for the license money due on such dray, cart, wagon, carriage, hack, omnibus, or other vehicle. There shall be added to every license not obtained within five days after the same becomes due and payable, the sum of five dollars, which shall become a part of the license, and be paid into the treasury in the same manner as other revenues.

Superintendent Streets.

SEC. 47. There shall be a Superintendent of Streets, who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and shall hold office at the pleasure of the Mayor, and whose duty shall be to see that the laws, ordinances, orders and regulations, relating to sewers, drains, levees, streets, alleys and highways are fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of all sewers and drains, and keep himself informed of the condition of all the public streets and highways and also of all public buildings, parks, lots, sewers, levees and grounds of the city, and report the same to the Board of Trustees.

SEC. 48. He shall perform such other duties as are hereinafter specified, or as the board may require of him; and he shall have the power and shall perform the duties required of the Superintendent of Streets by the Act of the Legislature of the State of California, entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, or by any Acts amendatory thereof, supplementary thereto, or substituted therefor. He shall keep a public office in the city, as provided by the board, and shall keep therein the records of his office and a register of all streets, alleys, sewers and drains, and all improvements and repairs made thereon, with an index for easy reference. Should he fail to see the laws, ordinances and regulations relating to the public streets and highways carried into execution, he and his sureties shall be liable upon his official bond to any person injured in person or property in consequence of said official neglect. All registers, records, books, contracts, plats, diagrams, and all papers and documents belonging to his office shall be delivered to his successor in office.

SEC. 49. He shall, under the direction of the Board of Health, inspect and examine all nuisances, privies, vaults, cesspools, buildings and low places within the city limits, with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of and vigorously prosecute all persons violating any of said laws and regulations.

City Engineer.

SEC. 50. There shall be a City Engineer who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, and shall hold office at the pleasure of the Mayor, and shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the board, and shall certify to the progress and completion of the same. It shall also be his duty to see that all buildings, balconies, porches, awnings, signs, and all fixtures appertaining to buildings, are constructed in a safe and substantial manner and according to the requirements of law and the city ordinances, and it shall also be his duty to cause the arrest of and prosecute all persons failing or refusing to comply with the law or ordinances in relation thereto.

SEC. 51. He shall act as inspector of plumbing and drainage, and to him, as such, plans and specifications of all contemplated constructions, improvements, repairs, and alterations within the city shall be submitted for his examination and report; he shall number and file the same, and record the names of the owners and architect and location.

SEC. 52. He shall examine all plans and accompanying specifications, and, if in accordance with the rules of the Board of Health, he shall issue a permit for the work to go on. Any plan or specification that in his judgment does not conform to the rules shall not be approved, but shall be returned to the parties presenting it, with a written notice explaining the corrections necessary in order to comply with the rules.

SEC. 53. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of any plumbing work he shall examine the same, and if found to conform to the rules of the Board of Health and the plans and specifications filed, he shall issue a final certificate.

SEC. 54. He shall make a monthly report to the Board of Health of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as may be required by the Board of Health.

SEC. 55. He shall immediately, upon knowledge of any infraction of the rules and regulations, report the same to the Board of Health, and do such other work pertaining to his profession as he may be directed to do by the board or by any general law of the State of California. He shall keep a public office within the city, as provided by said Board of Trustees, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference. All such records, maps, plats, surveys and certificates, including monuments, shall be the property of the city, and shall be turned over to his successor in office.

City Attorney.

SEC. 56. There shall be a City Attorney, who shall be appointed by the Mayor, by and with the consent of the Board of Trustees, who shall be an attorney at law, duly admitted to practice by the Supreme Court of this state. It shall be his duty to prosecute, on behalf of the people, all criminal cases before the Police Court and all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; provided, the Mayor and Board of Trustees shall have control of all litigation of the city, and may direct an attorney, selected by the Mayor, to take charge thereof, or to assist the City Attorney therein. The City Attorney shall give his advice or opinion in writing to the Mayor, Board of Trustees, Board of Education or other city officers, whenever required to do so, and do such other things appertaining to his office as by the Board of Trustees or Mayor may be required of him. He shall pass upon the sufficiency and validity of all bonds given to and all contracts made with the city. He shall, when required by the Board of Trustees, or any member thereof, draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds and all other legal papers for the city.

ARTICLE IV.

JUDICIAL DEPARTMENT—POLICE COURT.

SEC. 60. There is hereby created, in and for the City of Fresno, a court which shall be known as the Police Court of the City of Fresno.

SEC. 61. Said court shall consist of one judge, who shall be a duly licensed attorney of the Supreme Court of the State of California.

SEC. 62. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC. 63. Within the city limits said court shall have concurrent and coordinate jurisdiction with township Justices' Courts in all matters and things in which said Justice's Court now or may hereafter have jurisdiction; and the judge of said Police Court shall have as aforesaid like authority, power and jurisdiction as the justices of said Justice's Court.

SEC. 64. Appeals may be taken to the Superior Court of the State of California, in and for the County of Fresno, from the judgments and orders of said Police Court, in

all cases in which appeals now are or may hereafter be taken to said Superior Court from said Justices' Courts and Police Courts.

SEC. 65. In all proceedings in and appeals from said Police Court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said Justices' or Police Courts, are hereby adopted and made applicable to said Police Court.

SEC. 66. Upon the sickness or disability of the Judge of said Police Court, he may cause to preside in his place any qualified Justice of the Peace of the County of Fresno.

SEC. 67. Said Police Court shall be open for the transaction of business at all times.

SEC. 68. The Board of Trustees shall provide a court-room and court-room accommodations, dockets, blanks and stationery free of charge for said court.

SEC. 69. All fines and other moneys received or collected by the Judge of said Police Court, for or on account of the City of Fresno, shall be paid into the city treasury on the first Monday in each month.

SEC. 70. The Chief of Police shall assign a police officer for attendance on said court to preserve order therein, enforce its orders and serve its process.

SEC. 71. All actions and proceedings pending and undetermined in the existing City Recorder's Court shall be proceeded with, heard, tried and determined in said Police Court hereby provided for, before said judge, the same as if said actions or proceedings had been originally commenced in said Police Court.

ARTICLE V.

DEPARTMENT OF PUBLIC WORKS.

SEC. 80. The Board of Trustees shall, immediately after its organization, take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives, and property belonging to said city, heretofore kept by or in the offices of the City Surveyor or Superintendent of Streets, or kept by or in the possession of any other officer, and pertaining to any public buildings or public works of the city.

SEC. 81. The board shall have charge and superintendence of all public work of every kind, not otherwise controlled by general law, to be done for the city, and also of furnishing all material and supplies for public use, except as otherwise provided in this charter. It shall be the duty of the board to inspect vigilantly all parts of the city, and cause to be done, from time to time, such work as it shall deem necessary or proper.

SEC. 82. All public work authorized by the board to be done, and not within the provisions of the general law of the State of California operating thereon, and all materials and supplies to be furnished for public use, shall be done and furnished under written contract, except as hereinafter provided. Before awarding any such contract for doing any work or furnishing any materials or supplies for the city, the board shall cause notice to be posted conspicuously in its office and published not less than ten days in a daily newspaper published in the city, inviting sealed proposals for the contemplated work or materials or supplies, and in case the estimated cost of the same exceed five thousand dollars, to be so posted and published for not less than twenty days; except that any repair or improvement or materials or supplies not exceeding an estimated cost of one hundred dollars may be made by the board under written contract, or otherwise, without advertising for sealed proposals, but no piece of repair work or improvement, or bill of materials or supplies or labor, shall under any circumstances be subdivided for the purpose of bringing the estimated cost within the limit herein provided; *provided, however*, that should there be imminent danger to the city from inundation, the board may, in its discretion, contract for the immediate repair of its levees without such notice, posting or publication.

SEC. 83. All proposals shall be made upon printed forms, to be prepared by the board and furnished gratuitously upon application. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Mayor and clerk of the board, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. No person, corporation, or firm shall be allowed to make, file, or be interested in more than one bid for the same work or supplies. If, on the opening of said bids, more than one bid appear in which the same person, corporation or firm is interested, such bids shall be rejected.

SEC. 84. On the day and at the hour specified in said notice inviting sealed proposals the board shall assemble and remain in session for at least one hour thereafter, and all bids shall be delivered to the board by the bidder or his agent before the expiration of the hour named in the advertisement. No bid not so delivered to the board shall be considered. Each bid as it shall be received shall be numbered and marked "filed" by the City Clerk and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the board shall in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the board by the clerk. Before adjourning, the board shall compare the bids with the record made by the City Clerk, and shall, thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the clerk of the board

in some conspicuous place in the office of the board. The board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids rejected. If all the bids be rejected, the board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the clerk of the board until the contract for doing said work, or furnishing said materials or supplies, as herein-after provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fail or refuse to enter into the contract to do said work, or furnish said materials or supplies, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the street fund. The board shall have no power to relieve from or remit such forfeiture.

SEC. 85. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the board shall advertise for a new contract for said work.

SEC. 86. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quantity or quality of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies, have been called for, except by a unanimous vote of the board. Every contract entered into by the board shall be signed by the Mayor, and by the other contracting party. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the board, and the other, with said specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the clerk of the board, a bond in the sum named in the notice for proposals, with two or more sufficient sureties, to be approved by the board, or shall deposit with the City Clerk a certified check upon some solvent bank for said amount, for the faithful performance of said contract. The qualifications of such sureties shall be the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or materials furnished, and when to be completed, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The board may extend said time, but in no event for more than ninety days beyond the time originally fixed for its completion, except by unanimous consent of the board. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the board shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as, in the judgment of the board, the work done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same.

SEC. 87. The Board of Trustees is hereby authorized to adopt, establish, and maintain a system of levees, canals, and drainage, and to construct and maintain the works necessary thereto; and to repair, maintain, construct, and control all levees, canals, outfall sewers, and other works necessary to the protection and safety of the city. The purposes for which any and all the works in this section mentioned are or may be constructed are hereby declared public uses, and the City of Fresno is hereby authorized to proceed at any time, under the provisions of the statutes for that purpose, to condemn for such use any and all property necessary to the construction and maintenance of such works; *provided, however*, no system or plan for any of the work in this section authorized to be performed shall be adopted by said board which will cost over one thousand dollars, unless such plan shall be first submitted to and ratified by a vote of the electors of said city; and *provided further*, that if any plan be adopted involving the expenditure of more than twenty thousand dollars, the money required to carry out such plan shall be raised either by the issuance of bonds or by direct taxation, as the electors at such election may determine.

ARTICLE VI.

ACQUISITION OF PUBLIC UTILITIES.

SEC. 90. It is hereby declared to be the purpose and intention of the people of the City of Fresno that such of its public utilities as shall be deemed to be for the best interest of the people shall be acquired and owned by the city. To this end it is hereby ordained:

SEC. 91. Whenever a petition, signed by electors of the city equal in number to at least twenty-five per cent of all the votes cast at the last preceding general election, shall be presented to the Board of Trustees, setting forth that the signers thereof favor the acquisition by the city of any public utility, and requesting the Board of Trustees to prepare for submission to the electors of the city, as hereinafter provided, a proposition for the acquisition, by condemnation, construction or purchase, either of water

works, gas works, electric light works, steam, water or electric power works, telephone lines, street railroads, or such other public utilities as the petition may designate, it shall be the duty of the Board of Trustees, within ninety days, to procure through the City Engineer, and any other sources, plans and estimates of the probable actual cost of the construction and completion or purchase of said utility. In securing estimates of the cost of construction and completion of water works by the city, the Board of Trustees must procure and place on file plans and estimates of the cost of obtaining from all of the several available sources a sufficient and permanent supply of good, pure water for the city, in order that propositions for the acquisition, construction and completion thereof and incurring municipal indebtedness therefor may be submitted to the electors of the city.

SEC. 92. After such plans and estimates shall have been procured and filed, it shall be the duty of the Board of Trustees, within sixty days, to formulate and submit to the electors of the city, at a special election, such proposition. Before submitting such proposition to the electors for the acquisition by original construction or condemnation of public utilities, the Board of Trustees must solicit and consider offers for the sale to the city of existing utilities, in order that the electors shall have the benefit of acquiring the same at the lowest possible cost thereof.

SEC. 93. Immediately after receiving and filing the said plans and estimates or offers to sell existing utilities, as hereinbefore set forth, the Board of Trustees shall, by ordinance, call a special election, at which shall be submitted to the electors the proposition of acquiring such public utility and of incurring a debt for the acquisition of the same, as set forth in said ordinance. No question other than the acquisition of such utility and the incurring of the indebtedness therefor shall be submitted at such election.

SEC. 94. The ordinance calling such special election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the proposed public utility, the necessity for the acquisition of the same, and that bonds of the city shall issue for the payment of the cost of the same as in such ordinance set forth—if the proposition be accepted by the electors—and shall fix a day on which such special election shall be held, the manner of holding such election, and the manner of voting for or against incurring such indebtedness. Such election shall be held as provided by law for holding elections in the city.

SEC. 95. Such ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Board of Trustees shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the amount of the proposed bonded indebtedness, the number and character of the bonds to be issued, the rate of interest to be paid, the amount of tax levy to be made for the payment thereof, and whether such bonded indebtedness shall be incurred. At least two thirds of the electors voting thereon at such election shall be necessary to secure such acquisition and to warrant the issuance of municipal bonds therefor, as hereinafter set forth.

SEC. 96. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this article, which, together with the existing bonded indebtedness of the city, shall exceed at any one time ten percentum of the assessed value of all real and personal property of the city in accordance with the last assessment roll.

SEC. 97. The bonds issued under the provisions of this article shall be of the character of bonds known as serials, and shall be payable in lawful money of the United States. Not less than one fortieth part of the whole amount of indebtedness shall be paid each and every year, on a day and at a place to be fixed by the Board of Trustees, together with the interest on all sums unpaid at such date. The bonds so issued shall be in denominations of five hundred dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts. Said bonds must be payable on the day and at the place fixed herein, and with interest at the rate specified therein, but such interest shall not exceed five per centum per annum, payable semi-annually. Such bonds, when issued, may be sold by the Board of Trustees from time to time as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States, as aforesaid, to the highest bidder, at not less than par, after having been advertised in such newspapers and in such other manner as the board may elect; *provided*, that such sale of bonds shall be advertised in the official newspaper for at least thirty days. They shall be sold under sealed proposals, and the Board of Trustees shall have the right to reject any or all bids made for the purchase thereof. The proceeds of such sale shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the general fund.

SEC. 98. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the City Clerk. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer.

SEC. 99. At the time of levying the municipal tax and in the manner provided for such tax levy, the Board of Trustees shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all

other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

SEC. 100. A neglect or refusal on the part of the Board of Trustees, or any member thereof, to comply with the provisions of this article shall constitute cause for the removal from office, as for a neglect or refusal to perform official duty.

ARTICLE VII.

TAX LEVY.

SEC. 110. The Board of Trustees shall, on or before the first Monday of September in each year, fix the rate of city taxes, designating the number of cents on each hundred dollars of property levied for each fund, and will levy the city taxes upon the taxable property therein.

SEC. 111. The levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within the city, except a levy for the payment of the bonded indebtedness of the city and the interest thereon, or other special tax voted by the people.

ARTICLE VIII.

BONDED INDEBTEDNESS.

SEC. 120. When the Board of Trustees shall determine that the public interest requires the construction or acquisition of any permanent municipal building or improvement, the cost of which in addition to the other expenses of the city will exceed the income and revenue provided for the city for any one year, they must, by ordinance passed by the affirmative vote of not less than six members of the board, submit a proposition to incur a bonded indebtedness for such purpose to the electors of the city at a special election to be held for that purpose only. All the provisions of this charter providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition to the electors, to the limitations of the said bonded indebtedness, to the issuance and character of the same, and to the time when and the kind of money in which said bonded indebtedness shall be payable. The proceeds of the sale of such bonds shall be paid into the treasury to the credit of such fund for which said bonds were issued.

ARTICLE IX.

EDUCATIONAL DEPARTMENT.

SEC. 130. The government of the public schools of the city shall be vested in a Board of Education, to consist of eight members, to be called School Directors, and who shall receive no compensation. School Directors shall be elected at the same time and in the same manner as members of the Board of Trustees of the city. Their terms of office shall be four years, and until their successors are elected and qualified. Any person, male or female, who is a citizen of the United States, and of this State, and a resident of the territory now constituting the City of Fresno, for three years next preceding the election, shall be eligible to the office of School Director.

SEC. 131. The Board of Education shall meet on the first Monday after the election of its members shall have been officially declared, and organize by electing one of their number president, whose term of office as president shall be four years.

SEC. 132. The board shall also elect a secretary, who shall not be a member of the board, at a salary not to exceed twenty-five dollars per month, and who shall hold office at the pleasure of the board.

SEC. 133. The board shall hold regular meetings at least once in each month, and at such times as shall be determined by its rules. Special meetings may be called at any time by the president, and three of the members, or by the superintendent. Five members of the board shall constitute a quorum for the transaction of business, and the affirmative vote of five members shall be necessary to pass any measure, but a smaller number may adjourn from time to time. The board may determine the rules of its proceedings, and the ayes and noes shall be taken when demanded by any member, and entered on the records of the board. Its records shall be open to public inspection. The Mayor shall fill all vacancies occurring in the board, until the next regular municipal election. All meetings of the board shall be public. All elections held by it shall be viva voce.

In addition to the powers conferred and duties prescribed by the general laws of the State, the Board of Education shall have power:

First—To establish and maintain public schools, which shall include high, grammar, primary and kindergarten departments; to change or consolidate the same; to manage and control the school property; to establish school districts, and to fix and alter the boundaries thereof.

Second—To employ, pay and dismiss teachers, janitors, and such persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid. There shall be an annual election for teachers at such times as the board

may determine; *provided*, that in the absence of a special contract in writing, which contract shall not be for a period exceeding one year, no election or appointment of any teacher, janitor or other employé shall constitute a contract, either as to the duration of the office or as to the amount of salary or compensation to be paid, but the board shall always have the power to dismiss any or all teachers, janitors or other employés, and to alter the amount of salary or compensation.

Third—To make, establish and enforce all necessary and proper rules and regulations for the government and progress of the public schools, and for the investigation of charges against any person in the employ of the department, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text-books—in addition to those published by the state—course of study, and mode of instruction shall be used in said schools; but any text-book determined upon by the board shall not be changed within a period of four years after its adoption.

Fourth—To provide for the school department fuel and lights, water, printing, stationery, and all other necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department, including the grading, fencing and improving of all school property.

Fifth—To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus and appliances, and insure the same.

Sixth—To purchase or sell school lots, and to take charge of any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the common schools of the city; and to make, in the name of the city, conveyances of property belonging to the city and sold by the board of education; *provided*, that the proceeds of any such sale of real estate shall be exclusively applied to the purchase of other lots, or the erection of school houses for the use of this department.

Seventh—To appoint school census marshals, on or before the first day of April of each year, whose duties shall be as prescribed by general law.

Eighth—To sue, in the name of the city, for any and all property acquired or claimed for the use and benefit of the school department, and to prosecute and defend all actions at law or in equity, necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney in all such matters.

Ninth—To examine every demand payable out of the school fund, and for good cause to reject any such demand, or to allow the same in whole or in part, and to issue subpoenas and compel the attendance of witnesses before the board, or any committee thereof in any matter under investigation; and any witness so subpoenaed may be punished for non-attendance, or refusal to be sworn and answer, by the Superior Court of the county.

Every claim payable out of the school fund shall be filed with the secretary of the Board of Education, and after it shall have been approved by the board, a certificate of such approval shall be endorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim, which warrant shall be signed by the president of the board and countersigned by the secretary, and shall specify for what purpose the same is drawn.

Tenth—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property, and establish regulations for the just disbursement of all moneys belonging to the school fund, and admit in their discretion, non-resident children, and persons over twenty-one years of age, to any of the departments of the schools of the city, upon the payment, monthly in advance, of such tuition fee as such board may establish; *provided*, such fee shall not be less than the per capita cost of pupils in the respective grades.

Eleventh—To prohibit any child under six years of age from attending the public schools—*provided*, in kindergarten classes children of four years of age may be admitted—and to suspend or expel pupils for misconduct.

Twelfth—To dispose of and sell at public auction, upon not less than five days' notice by publication in a daily newspaper published in said city, such personal property as shall no longer be required by the department. All moneys realized from such sales shall be paid into the treasury to the credit of the school fund.

Thirteenth—To receive and manage property or money acquired by devise, bequest or donation in trust for the benefit of any school, educational purpose or school property.

Fourteenth—To exclude from the schools and school libraries all books, publications or papers of sectarian, partisan or denominational character.

Fifteenth—To furnish books for the children of parents unable to furnish them. The books so furnished shall belong to the city, and shall be returned to the superintendent at the close of each term.

Sixteenth—To make an annual report on or before the first day of July in each year to the County Superintendent of Schools, in the manner and form and on the blanks prescribed by the State Superintendent of Public Instruction.

Seventeenth—To make a report, whenever required, directly to the State Superintendent of Public Instruction, of the text-books used in the city schools.

Eighteenth—Each member of the board shall visit every school in the city at least once in each term, and examine carefully into its management, condition and wants.

Nineteenth—It shall be the duty of the board to prescribe a course of study that will

fit and prepare the students therein to enter any of the departments of the University of the State of California. Such course shall be known as the high school course.

Twentieth—The board may provide departments for the training of pupils in the industrial and mechanical arts and domestic and commercial vocations, and shall have power to furnish such departments with necessary tools, apparatus and appliances.

Twenty-first—And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the common schools of the city.

SEC. 134. The Board of Education shall annually, on or before the first Monday in August, make and report to the Board of Trustees a statement in detail of the receipts and expenditures for school purposes in the city during the year then last past, and shall at the same time make and furnish a detailed statement of the probable amount of money that will be required during the current year, and the purposes for which it is required, and also an estimate of the amount that will be received by the city from the state and county for school purposes. Upon receiving the estimate of moneys needed as provided herein, the Board of Trustees shall, at the time of levying other city taxes, levy as a part thereof a school tax, which, after making proper allowances for delinquencies, will produce a sum that—taken with the estimated amount to be received from the state and county—will make the amount required by the Board of Education; *provided, however*, that the Board of Education shall not exact a levy to exceed twenty-five cents on the one hundred dollars, exclusive of levy for high school purposes and to pay bonded indebtedness.

SEC. 135. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and the Board of Trustees, incur extraordinary expenditures in excess of the annual limit provided by law and in this charter, for the repair, construction, and furnishing of school houses; and the Board of Trustees may, by ordinance, cause to be transferred to the school fund from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditure.

Secretary.

SEC. 136. The secretary of the board shall keep a true record of the proceedings of the board, and a correct account of the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in aggregate and detail, of the outlays for each school; he shall be general custodian of all books, papers and documents belonging to the board.

SEC. 137. He shall in June of each year make to the board a full and detailed report of the number of pupils taught respectively in the kindergarten, primary, grammar and high schools, and the cost per pupil, including all ordinary expenses; the amount paid respectively for teachers, rents, repairs, lands, buildings, fuel, furniture, stationery and sundries

Superintendent of Schools.

SEC. 138. The Board of Education shall, within ninety days after the organization of the board, succeeding each municipal election, elect a City Superintendent of Schools, who shall be a man of good moral character, and a practical educator. The term of office of the City Superintendent of Schools shall be during the pleasure of the board, except as otherwise herein provided. He shall have a general supervision over school houses and school property, and see that they are not wasted, injured or destroyed; he shall grade the classes in the schools and classify the pupils as to the grade of the school they shall attend, and, in connection with the teacher, as to which class or classes in such schools, and shall issue all necessary permits for such attendance; *provided, however*, that no pupil shall be allowed to attend any public school in the city until the superintendent shall be first satisfied that such child has been duly vaccinated; he shall from time to time recommend to the board such alterations, additions and changes in the grade of schools, course of study, text-books, and such other matters and things as he deems proper; he shall, in June of each year, make to the board a full and detailed report of the progress of the schools since the last annual report, their present condition, the condition of the houses, lots, and furniture, the number of pupils taught respectively in each, the kindergarten, primary, grammar and high schools. He may suspend or expel any pupil for misconduct or violation of the rules, reporting such suspension or expulsion to the board at its next meeting; *provided, however*, any party feeling aggrieved may appeal from the decision of the superintendent to the board, which may confirm or reverse his action; he shall have a general supervision and control of the teachers, and shall report to the board any misconduct, want of ability, negligence, or inattention on the part of any of them; and he may suspend any teacher for such want of ability, negligence, inattention or misconduct, and shall report such suspension to the board at the next meeting thereof for final action; he shall have power to assign the teachers to such classes as in his judgment shall be to the best interest of the schools; *provided*, that in the high and grammar schools such assignments shall be made with the consent and advice of the principals of such schools; and *provided*, that by a vote of six members the Board of Education may change any such assignment; he shall see that none but authorized text-books are used, and that teachers and pupils faithfully perform their respective duties; and he shall do and perform such other duties, matters and things as may be required of or imposed on him by the Board of Education.

SEC. 139. The City Superintendent of Schools, and each member of the Board of

Education, shall have power to administer oaths and affirmations in all matters connected with the department.

SEC. 140. The Board of Education shall provide the City Superintendent of Common Schools with a suitable office, which shall be kept open to the public.

ARTICLE X.

HEALTH DEPARTMENT.

SEC. 160. There shall be a health department under the management of the Board of Health. Said board shall consist of five members, who shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The board shall never be so constituted as to consist of more than two members of the same political party. The president of the Board of Health shall be selected from among their number, and shall act as such for one year. Each member shall be a duly licensed physician, in accordance with the laws of the State. They shall receive no compensation for their services, and their term of office shall be four years, and until their successors are appointed and qualified.

SEC. 161. Regular meetings of the Board of Health shall be held once a month, and special meetings when called by the president or any three members, and all meetings shall be public. Three members shall constitute a quorum for the transaction of any business.

SEC. 162. Said Board of Health shall have supervision of all matters appertaining to the sanitary condition of the city and public institutions thereof, and full powers are hereby given to said board over all questions of foul or defective drainage, and of the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers or nuisances of any description, and of low places within the city limits calculated to receive and retain unhealthy deposits.

SEC. 163. The Board of Health shall exercise a general supervision over and be the custodian of all the death and cemetery records now belonging to the city, and they shall cause to be kept in books prepared for the purpose, complete records of all deaths, interments in the city cemeteries, and births occurring in said city. They shall adopt such forms and regulations for the use of physicians, undertakers, and superintendents of cemeteries as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the Mayor may establish a pest-house and provide the necessary attendants and supplies therefor.

SEC. 164. The Board of Trustees shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; and all expenses necessarily incurred by the Board of Health in carrying out the provisions of law and of this charter shall be provided for by the Board of Trustees, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

SEC. 165. The Board of Health, within two weeks from the time of its organization, shall elect a City Physician, who shall also act as health officer and secretary of the Board of Health. Said City Physician shall not be a member of the Board of Health, and shall be an elector of the city for at least five years and not less than thirty years of age, a licensed physician of not less than five years, and actually engaged in the practice of his profession therein. He shall hold his office during the pleasure of the Board of Health, and must see that the laws and ordinances of the city in relation to the public health, and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records appertaining thereto, and issue all permits for burials, and no interments shall be made from the city unless said health officer is satisfied of the correctness and reliability of the certificates of death presented for his inspection. He shall have the powers of a police officer, and shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortality and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

SEC. 166. The City Physician shall attend, when called upon, the indigent sick or wounded in the city, and shall have charge of any receiving hospital or dispensary established for the benefit of the sick poor.

SEC. 167. The City Physician, as health officer, shall visit, at least once in each quarter, all public buildings and school-houses in said city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

SEC. 168. The City Physician, as health officer, shall promptly report in writing to the City Superintendent of Schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious disease. Said City Superintendent, when so notified, must refuse admittance to the schools of any members of a household one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from the health officer that there is no longer any danger from contagion.

SEC. 169. When a case of contagious disease is reported to the health officer, he shall visit the premises where the person is, and, when satisfied that said disease exists,

he shall place a yellow flag on said premises, which shall remain during the continuance of the disease on said premises.

SEC. 170. The health officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house, and the person so affected is not moved to said hospital or pest-house, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof who shall see that a quarantine is strictly enforced so long as public safety requires.

SEC. 171. He shall act as food inspector, and as such his duties shall be to inspect meat, milk, butter, poultry, eggs and all other marketable produce, including green and dried groceries and vegetables, and all and every kind of food products, and shall have the power without liability, to condemn and destroy such and so much thereof as are unfit, unwholesome, deleterious or injurious as food, or fall below the standard established by the Board of Health.

SEC. 172. The health officer shall vaccinate free of charge all persons applying to him.

SEC. 173. He shall perform such other duties as may be prescribed by the Board of Health or by ordinance.

SEC. 174. Every member of the Board of Health, the health officer and health inspector may administer oaths on matters connected with the health department.

ARTICLE XI.

FRESNO FREE LIBRARY.

SEC. 180. The free library shall be under the control and management of five trustees who shall be known as the "Board of Free Library Trustees." They shall be appointed by the Mayor, by and with the consent of the Board of Trustees. The office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation; any person, male or female, over the age of twenty-one years, who is a citizen of the United States, and of this State, and a resident of the city for five years, shall be eligible to become a Library Trustee. The term of office of Library Trustees shall be four years, and until their successors are appointed and qualified.

SEC. 181. The Board of Trustees of the City of Fresno shall levy and collect, as in other cases, annually, a tax not less than three cents on the one hundred dollars and not more than five cents on the one hundred dollars, for the purpose of maintaining a free public library and reading-room, and purchasing such books, journals and other publications, and leasing such real and personal property as may be necessary therefor.

SEC. 182. All money and revenue paid, collected or received by authority of anything herein contained, whether by taxation, gift, devise, bequest, or otherwise, shall belong to and be known and designated as the "Library Fund," and shall be paid into the City Treasury, and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized.

SEC. 183. All property, real and personal, acquired by gift, devise, bequest, or otherwise, shall vest, be and remain in the city, and may be protected, defended and sued for by action at law, or otherwise, in the name of the city, as in other cases.

SEC. 184. The Board of Free Library Trustees shall take charge of all property belonging to such library and reading-room, or that may be acquired by loan, purchase, gift, devise, or otherwise. The Trustees shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They shall elect one of their number to act as president of their board, and one of their number to act as secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes in writing of all their proceedings. The secretary shall certify to such proceedings, or any part or portion thereof, under his hand, verified by an official seal adopted and provided by the Trustees for that purpose.

SEC. 185. Such Trustees, by a majority vote of all their members, to be recorded in the minutes with the ayes and noes at length, shall have power:

1. To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library and reading-room, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

2. To exercise and administer any trust declared or created for such library or reading-room, and to provide memorial tablets and niches to perpetuate the memories of those persons who may make valuable donations thereto.

3. To define the powers and describe the duties of any and all officers, determine the number and employ all necessary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

4. To purchase necessary books, journals, publications, and other personal property.

5. To order the drawing and payment upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the library fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this act.

6. To fix the salaries of the librarian and assistants, to furnish and equip said rooms and buildings as may be necessary for such library and reading-room.

SEC. 186. The orders and demands of the Board of Free Library Trustees, when duly

made and authenticated as above provided, shall be paid by the Treasurer of the city out of the library fund.

SEC. 187. The trustees of such library and reading-room, on or before the first Monday of January and July of each year, shall make a semi-annual report to the Board of City Trustees, giving the condition of their trust, with full statements of all property and money received, whence derived, how used and expended; the number of books, journals, and other publications on hand, the number added by purchase, gift or otherwise, during each year, the number lost or missing, the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the secretary of the Board of Trustees, duly verified.

SEC. 188. The proper municipal authorities shall pass ordinances for the protection of the library and reading-room, and all property thereto belonging, and for imposing penalties for the punishment of persons committing injury to such library or reading-room, or the property or books thereof, or for failure to return any book or other property belonging thereto.

ARTICLE XII.

ELECTIONS.

SEC. 200. The Mayor, members of the Board of Trustees and of the Board of Education, and the City Clerk, and Police Judge shall be elected by the qualified electors of said city, at a general municipal election to be held therein. The first election under this charter shall be held on the first Tuesday after the first Monday in June, 1901. The second election hereunder shall be held on the second Monday in April, 1905, and an election shall be held every four years thereafter.

SEC. 201. The Board of Trustees must meet at their usual place of meeting on the first Monday after the election; and if the returns from each precinct in which polls have been opened, have been received, the board must then and there proceed to canvass the returns. But if all the returns have not been received the canvass must be postponed from day to day until all the returns are received.

SEC. 202. Such canvass, declaration of result and certificates of election must be made and had in conformity with the laws of the State of California.

SEC. 203. All elective officers shall take office on the first Monday after the result of the election shall have been officially declared and shall hold office for the period of four years and until the election and qualification of their successors, unless otherwise provided in this charter; except that the officers elected under this charter on the first Tuesday after the first Monday in June, 1901, shall only hold office until the first Monday after the official declaration of the result of the election to be held on the second Monday in April, 1905.

SEC. 204. Any vacancy occurring in any of the elective offices provided for in this charter, except as otherwise herein provided, shall be filled by appointment by the Mayor, by and with the consent of the Board of Trustees until the next regular election, at which time a successor shall be elected.

SEC. 205. All laws concerning state and county elections shall be and are hereby made applicable to municipal elections.

ARTICLE XIII.

OFFICIAL BONDS.

SEC. 210. All officers of the city, whether elective or appointed, of whom a bond is required, must give a bond in some approved surety company; *provided*, that the premium charged shall not exceed a rate of twenty cents on the one hundred dollars for each year; *provided*, that the premium on any single bond may not be less than five dollars, which premium shall be paid by the city.

SEC. 211. In case the premium should be in excess of said rate, then a bond may be given with personal sureties. All official bonds, except those of the members of the Board of Trustees, shall be approved or rejected by the Board of Trustees, by an order entered on the minutes.

SEC. 212. The official bonds of the members of the Board of Trustees shall be approved by the Mayor.

SEC. 213. The Board of Trustees may, at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon the failure on the part of any officer to furnish a satisfactory bond at the request of the Board of Trustees, his office shall be declared vacant, and as soon as such declaration is made, the office becomes vacant.

SEC. 214. The amounts in which the respective officers shall execute official bonds shall be as follows:

Trustees, each.....	\$5,000 00
Clerk.....	10,000 00
Attorney.....	2,000 00
Superintendent of Streets.....	5,000 00
City Engineer.....	5,000 00
Mayor.....	5,000 00
Chief of Police.....	5,000 00
Chief of Fire Department.....	5,000 00
Police Judge.....	5,000 00

SEC. 215. The Board of Trustees shall have the power to require bonds from any other officer or employé of the city whenever deemed necessary.

SEC. 216. The bond of the City Clerk shall be filed with the Mayor and all other bonds shall be filed with the City Clerk. Official bonds with personal sureties must be recorded in the office of the County Recorder of Fresno County.

ARTICLE XIV.

SALARIES.

SEC. 220. Each member of the Board of Trustees shall receive a salary of one hundred and fifty dollars per annum, which amount shall include services as a member of the Board of Equalization, but there shall be deducted therefrom the sum of five dollars for each and every regular meeting of the Board which he shall fail to attend.

SEC. 221. The compensation of other officers and employés of the city shall be, per annum, as follows, said compensation being payable in equal monthly instalments:

Mayor.....	\$500 00
Attorney.....	600 00
(And as herein provided.)	
Clerk.....	1,200 00

Police Judge, three hundred dollars, and such fees in civil actions and in prosecutions under the State laws as are allowed by law to Justices of the Peace.

Superintendent of Streets, twelve hundred dollars.

Chief of Police, twelve hundred dollars, which shall also be in full compensation for services as License Collector, except as herein otherwise provided.

Chief of Fire Department, twelve hundred dollars, which shall also be in full compensation as Fire Marshal.

The compensation of all other employés and officers of the city not specified in this charter shall be fixed by the Board of Trustees.

SEC. 222. The Chief of Police, the Chief of the Fire Department and Superintendent of Streets shall devote their entire time and services to the duties of their respective offices.

SEC. 223. The duties of all officers, elected or appointed, in the City of Fresno, are such as are now or may hereafter be prescribed by general law or ordinances of the city.

SEC. 224. It is hereby declared to be the purpose of the people of the City of Fresno to do away with and abolish the offices of City Assessor, City Tax Collector, and City Treasurer, and to that end the Board of Trustees shall, on or before the first Monday in February, 1901, or as soon as this charter is approved by the Legislature, and annually thereafter while any valid law exists for the assessment, collection, custody, safe keeping and disbursing of city taxes by officers of a county, pass an ordinance electing that the City of Fresno avail itself of the provisions of an Act entitled: "An Act to provide for the levy and collection of taxes, by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.

And shall cause a certified copy of such ordinance to be forthwith served upon and filed with the Auditor, Assessor, Tax Collector, and Treasurer of Fresno County. If said Act shall be amended, or some other law be substituted in its stead, providing for the assessment, collection, custody, safe keeping and disbursing of city taxes by county officers, the Board of Trustees shall conform to the provisions of such amended Act, or such law, in order that the city may avail itself of the privilege of having its taxes assessed, collected, safely kept and disbursed by such county officers.

SEC. 225. If said law should be repealed by the Legislature or annulled by the courts, then the Board of Trustees are hereby authorized by ordinance to create the office of City Assessor, City Tax Collector and City Treasurer, and said offices shall be filled by appointment of the Mayor, by and with the consent of the board, as in other cases, until the next municipal election. And the Board of Trustees shall, by ordinance, prescribe their duties and fix their bonds and compensation.

ARTICLE XV.

POLICE AND FIRE DEPARTMENTS.

SEC. 230. The Police and Fire Departments shall be under the control and management of a Board of Four Commissioners selected from the qualified electors of the city over the age of twenty-five years, to be appointed by the Mayor and confirmed by the Board of Trustees, and who shall hold office without compensation. Not more than two of such commissioners shall belong to the same political party, and whose term of office shall be for four years.

SEC. 231. The commissioners shall enter upon their duties as soon as they have qualified. The commission shall establish rules and regulations governing its proceeding and for the regulation and conduct of its officers and employés, and may require bonds from its subordinates for the faithful performance of their duties. The Mayor shall be president of the board, but shall have a vote only in case of a tie. In the

absence of the Mayor, the commission may select a president pro tempore from among its members. The City Clerk shall be the secretary of the commission.

SEC. 232. The commission shall hold regular meetings at least once a month, and special meetings at such other times as it may appoint or of which the president may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the commission, which shall not be changed except by a resolution passed at a regular meeting of said commission. The meetings of the commission shall be public; *provided, however*, that executive sessions may be held by a unanimous vote; three members shall constitute a quorum and the affirmative votes of three members shall be necessary to pass any order or resolution. No business shall be transacted at a special or adjourned meeting except such as may have been made a special order of business for such meeting or such as may have been under consideration at the meeting at which the adjournment was had.

SEC. 233. The secretary of the board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meeting and giving the ayes and noes on all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the board. The secretary shall cause the publication of all notices herein authorized to be published or which the board shall order to be published, and shall perform such other duties as the board may from time to time prescribe.

SEC. 234. The officers, members and employés of the police and fire departments shall be appointed by the board, and no removal shall be made except for cause established to the satisfaction of the board, after due investigation and trial. The salaries of officers and employés of the board, except so far as the same are designated in this charter, shall be fixed or altered from time to time by the Board of Trustees in its discretion or on recommendation of the Board of Commissioners.

SEC. 235. The Board of Police and Fire Commissioners shall have power:

1. To prescribe the qualifications, duties, badges of office and uniforms of officers, members and employés of said departments.

2. To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.

3. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments.

4. To appoint and remove at their discretion special policemen, who shall be under the supervision and control of the Chief of Police; *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the City Board of Trustees.

5. To make all necessary rules and regulations to carry into execution the foregoing powers and all other powers vested in said commission by this charter or by any ordinance of the Board of Trustees passed pursuant thereto or by the Constitution and laws of this State; and in general to manage and control said departments.

SEC. 236. The commissioners shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, stables and all other property and equipments now or that may be hereafter used by or belonging to said departments.

SEC. 237. The commission shall annually report to the Board of Trustees an estimate of the amount of money that will be required to pay all salaries and expenses of the police department and of the fire department for the ensuing year, specifying in detail the proper items for which the same will be required.

SEC. 238. The commission shall make full quarterly reports to the Board of Trustees of its acts and expenditures and also of the condition of said departments.

SEC. 239. Every claim against the police department or fire department contracted by the commission shall be verified by the claimant and approved by the commission in open session, which approval shall be entered in the records of the commission. No such claim shall be allowed or ordered paid by the Board of Trustees until the same has been approved by said commission, and has endorsed thereon such approval, authenticated by the signatures of the president and secretary of the commission.

SEC. 240. The commission shall determine and report to the Board of Trustees as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders and also as to alterations and repairs required; but the action of the commission with respect to the necessity of these matters shall be only advisory to the Board of Trustees.

SEC. 241. All contracts let and work ordered for the fire and police department shall be let and ordered by the Board of Trustees; *provided, however*, that the Police and Fire Commission shall have power to make repairs upon engines and other apparatus under their control when the necessity for such repairs is urgent and the cost thereof does not exceed the sum of one hundred and fifty dollars.

SEC. 242. The police department shall consist of a Chief of Police and as many regular officers and policemen as the Board of Trustees may from time to time determine, not exceeding in the aggregate one to every one thousand inhabitants of the city.

SEC. 243. The fire department shall consist of a chief and as many drivers, engineers, hosemen and other paid employés as the Board of Trustees may authorize, together with such volunteer firemen as may be determined by the commission; *provided*, that prior to the election of a chief, a volunteer fire department while in exist-

ence, may nominate and present to the board the name of a nominee for chief, who, if acceptable to said board, shall be elected such chief, and if not elected, such volunteer fire department may nominate and present other names to said board for such chief.

ARTICLE XVI.

GENERAL PROVISIONS.

SEC. 250. No appointive officer, whether under salary or not, and no deputy of any city officer or employé of the city receiving pay from the city—except firemen without pay—shall be eligible to hold any other public office while in the employment of or holding office under the city government, except notary public or member of the National Guard, nor shall he become a party worker or solicitor or active partisan, nor shall he during such time vote at any primary election nor become a member of any club, caucus or convention held for political purposes; nor shall he solicit for or contribute any funds to any person or organization to be used for political purposes. For a violation of any of the provisions of this section, such position or office shall immediately become vacant, and the compensation of such person offending shall terminate, and he shall be deprived of the rights of holding any appointive office under the city government thereafter.

SEC. 251. It is hereby made the express duty of the Mayor to see that all the provisions of this article are strictly enforced.

SEC. 252. The word "city" wherever it occurs in this charter, means the City of Fresno; and every commission, commissioner, department, board or officer, wherever mentioned in this charter, means a commission, commissioner, department, board or officer, as the case may be, of the City of Fresno.

SEC. 253. No officer of the city shall absent himself from the State; but he may absent himself for a period of not more than sixty days upon the written permission of the Mayor so to do. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

SEC. 254. Any person holding a salaried office under the city, whether by election or appointment, who shall, during his term of office, hold or retain any other salaried office under the government of the United States, or of this State or county, other than notary public, or member of the National Guard, or who shall hold any other salaried office connected with the government of the city, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the city.

SEC. 255. No officer or employé of the city shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury, or in the purchase or lease of any real estate or other property belonging to, or taken by the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city, or any department or officer thereof, or in any franchise, right or privilege granted by the city, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever debarred and disqualified from being elected, appointed or employed in the service of the city; and all such contracts shall be void, and shall not be enforceable against the city.

SEC. 256. No officer or employé of the city shall give or promise to give to any other person, any portion of his compensation or any money, or valuable thing, in consideration of having been, or of being, nominated, appointed, voted for, or elected, to any office or employment; and if any such promise or gift be made, the person making or accepting such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of the city.

SEC. 257. Any officer of the city who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position as employé or subordinate under him, shall forfeit his office, and be forever debarred and disqualified from holding any position in the service of the city.

SEC. 258. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed, or paid.

SEC. 259. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts; but the records of the police department shall not be subject to such inspection, except permission be given by the Police Commissioners or by the Chief of Police.

SEC. 260. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been found guilty of malfeasance in office, bribery or other infamous crime, or who, in any capacity, has embezzled public funds.

SEC. 261. The fiscal year mentioned in this charter shall commence on the first day of July and end on the thirtieth day of June following.

SEC. 262. Any elected officer, except City Trustee, may be suspended by the Mayor and removed by the Board of Trustees for cause; and any appointed officer may be removed by the Mayor for cause. The Mayor shall appoint some person to discharge the duties of the office during the period of such suspension.

SEC. 263. When the Mayor shall remove an appointed officer from office, he shall immediately notify the Board of Trustees of such removal, and furnish it a statement of the cause thereof, which statement shall be entered in the record of its proceedings.

SEC. 264. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall within one month after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 265. No Chinese shall ever be employed, either directly or indirectly, on any work of the city or in the performance of any contract or sub-contract of the city, except in punishment for crime.

SEC. 266. Whenever special meetings are called of the Board of Trustees, Board of Education, or any other board of the municipality, notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 267. No person shall be eligible to hold office in this city, whether elective or appointive, unless he be an elector therein, and shall have resided within its present limits for at least five years next preceding the date of such election or appointment, except superintendent, principals and teachers of the public schools, engineers, and as herein otherwise provided.

SEC. 268. It shall be the official duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

SEC. 269. All claims against the city must contain a statement that every item in such claim has accrued within one year immediately preceding the filing of such claim, and no claim shall be valid against the city unless presented within one year from the date the article, labor, commodity, or services were furnished or contract performed; *provided, however*, that nothing herein contained shall deprive any person of the right to bring suit against the city upon any claim held against it, which has been rejected or refused payment by the Board of Trustees, if such claim was properly filed with the City Clerk within the time above specified.

SEC. 270. No privy, vault or cesspool shall be permitted upon any premises adjoining a lateral sewer.

SEC. 271. In all prosecutions for violation of any of the provisions of this charter, or for violation of any city ordinance, rule, resolution, or other regulation of the Board of Trustees, whether in the court of original jurisdiction or in any appellate court, it shall not be necessary to plead the contents of the same, but the court before which the proceedings may be pending shall take judicial notice of this charter, and of such ordinance, rule, resolution, or other regulation, and of the contents thereof; and in all civil actions to which the city, or any officer of the city, is party, either plaintiff or defendant, the adoption and contents of any ordinance, rule, resolution, or other regulation of the Board of Trustees, may be proven *prima facie* by the introduction of the original entry thereof on the records of the board, a copy thereof certified by the City Clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy published, or purporting to have been published, by authority of the city.

SEC. 272. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe, and file with the City Clerk the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— to the best of my ability."

SEC. 273. The Board of Trustees of the present City of Fresno shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

SEC. 274. All acts of the Legislature relating to the city, and all city ordinances, resolutions, and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the city is a party, shall be continued under the law existing when said action or proceeding was commenced.

SEC. 275. Except as otherwise in this charter provided, all officers of the city shall keep their respective offices open for the transaction of business from the hours of eight in the forenoon until five in the afternoon of each day, Sundays and legal holidays excepted.

SEC. 276. No appointment made by the Mayor or by any officer, board or commission shall be based on political or partisan grounds; and all appointments shall, as far as

practicable, be equally distributed among persons belonging to different political parties.

SEC. 277. Whenever there shall be presented to the Board of Trustees a petition signed by a number of voters, residents of said city, equal to fifteen per cent of the votes cast at the last preceding state, city or county election, asking that an ordinance to be set forth in such petition, be submitted to a vote of the electors of the city, the Board of Trustees must submit such proposed ordinance to the vote of the electors at the next national, state, county or municipal election.

SEC. 278. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

SEC. 279. The tickets used in such election shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance).

SEC. 280. If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the board of trustees shall within thirty days from the time of such election, proclaim such fact; and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Trustees and approved by the Mayor, and the same shall not be repealed by the Trustees. But the Trustees may submit a proposition for the repeal of such ordinance, or for amendments thereto, for vote at any succeeding election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

SCHEDULE.

This charter shall be published for twenty days in the Fresno Morning Republican and the Fresno Evening Democrat and Keystone, daily newspapers of general circulation in the City of Fresno, and after such publication, viz: on Thursday, the 19th day of October, in the year one thousand eight hundred and ninety-nine, it shall be submitted to the qualified electors of said city, at a special election to be held on that day, for the sole purpose of voting upon the adoption of the same; and if a majority of the qualified electors of said city, voting at said election, shall ratify the same, it shall be submitted to the Legislature of the State of California for its approval or rejection. The Board of Trustees of the present City of Fresno shall provide for the holding of the first election of officers under this charter, and give in 1901 the notice in Section 224 specified, as in the same provided, and according to law, and shall canvass the votes and declare the result. For the sole purpose of the election of the officers directed by this charter to be elected by the people, and for taxation purposes as specified in Section 224 of this charter, this charter shall take effect immediately after its approval by the Legislature; and such election shall be managed and conducted in accordance with the general election laws of the State. For all other purposes this charter shall take effect on the first Monday after the first day of July, 1901. If the Legislature approve this charter, it shall thereupon become the charter and organic law of the City of Fresno, and shall supersede the existing charter of said city and all amendments thereof and all laws inconsistent with this charter.

The form of ballots at said election shall be as follows:

For the new charter—Yes.

For the new charter—No.

BE IT KNOWN, That the City of Fresno, containing a population of more than ten thousand inhabitants, on the 10th day of April, 1899, and under and in accordance with the provisions of Section 8, of Article XI, of the Constitution of this State, did elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city; and we, the members of said board, in pursuance of such provisions of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, signed in duplicate, as and for the charter for said City of Fresno.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate, this 30th day of June, 1899.

M. K. HARRIS.
T. G. HART.
FRANK H. SHORT.
C. S. PIERCE.
ED. SCHWARZ.
W. PARKER LYON.
E. W. RISLEY.
ALEX GOLDSTEIN.
LOUIS GUNDELFINGER.
HERMAN LEVY.
E. F. BERNHARD.
JAMES GALLAGHER.
MARK WEBSTER.

STATE OF CALIFORNIA, }
CITY OF FRESNO, COUNTY OF FRESNO. } ss.

I, the undersigned, J. B. Johnson, the duly elected, qualified and acting City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify that at all

times mentioned herein the said City of Fresno was and now is a city of more than ten thousand population.

I do further certify that heretofore, to wit: on the 10th day of April, A. D. 1899, the said City of Fresno did cause a board of fifteen freeholders to be elected at its regular city election, by the qualified voters of said city, and for the purpose of framing a charter for the government of said city. That the names of said freeholders were as follows, to wit: M. K. Harris, T. G. Hart, Frank H. Short, C. S. Pierce, Ed. Schwarz, W. Parker Lyon, E. W. Risley, Alex. Goldstein, Louis Gundelfinger, Herman Levy, E. F. Bernhard, Mark Webster, James Gallagher, T. C. White, M. R. Madary.

That said freeholders and each of them at the time of their said election and for the five years continuously previous thereto were qualified electors of said city.

That within ninety days after the date of their said election, to wit: on the 30th day of June, A. D. 1899, said freeholders did prepare and propose a charter for said city, which said charter was by said freeholders, and all of them, except M. R. Madary and T. C. White, signed in duplicate, and said charter was thereupon returned, one copy to C. J. Craycroft, the chairman of the Board of Trustees of said city and the chief executive officer thereof, and the other to the Recorder of the said County of Fresno, to wit: to J. M. Kerr. That thereupon and thereafter, and within twenty days after the completion of said proposed charter, to wit: the first publication commenced on the 11th day of July, A. D. 1899, said charter was published for a period of twenty days and more in the "Fresno Morning Republican" and in "The Fresno Evening Democrat," two daily newspapers at all times herein mentioned having a general circulation in said city; and the last publication thereof was on the 4th day of August, A. D. 1899. That thereafter and within not less than thirty days after such publication, to wit: on the 19th day of October 1899, at a special election held for the purpose of voting on said charter, said charter was submitted to the qualified electors of said city, and thereupon a majority of the said qualified electors voting at the said election ratified said charter, to wit: there were at said election a total of 951 qualified electors voted, and out of said total there voted in favor of said charter 844.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of January, A. D. 1901.

[SEAL]

J. B. JOHNSON,

City Clerk of the City of Fresno, County of Fresno, State of California.

Now, therefore, be it resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said charter be and the same is hereby approved as a whole for and as the charter of the City of Fresno.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Deylin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvaige, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 17, 1901.

MR. PRESIDENT: Your Committee on Judiciary to whom was referred Senate Bill No. 17—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499½, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Also; Senate Bill No. 39—An Act to amend Section 470 of the Political Code of the State of California, relating to the duties of the Attorney-General.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DAVIS, Chairman.

Senate Bills Nos. 17, 42, 36, and 39 ordered on file for second reading.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 16, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 50—An Act to provide for the purchase of real property known as Agricultural Park, in the City of Sacramento, State of California, from the Board of Directors of the California State Agricultural Society, and to empower said Board of Directors to sell a portion of said park, and to purchase from other parties land adjoining thereto for the State, to be used by the State for the purpose of conducting an agricultural fair, and appropriating money for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CURRIER, Chairman.

Senate Bill No. 50, under the rules, was referred to Committee on Finance.

REPORT OF SPECIAL COMMITTEE ON FUNERAL ARRANGEMENTS.

SENATE CHAMBER, SACRAMENTO, January 17, 1901.

MR. PRESIDENT: The joint committee of the Senate and Assembly to make arrangements for the funeral of Hon. Barnabas Collins, respectfully report:

That said committee met to-day at twelve o'clock M., there being present Senators Maggard and Sims, and Assemblymen Schlesinger, Greer, and Schillig.

Assemblyman Schlesinger was elected chairman of the meeting, and the following arrangements were made for the funeral:

Order of Arrangements.

1. The services will commence in the Assembly Chamber at two o'clock P. M. on Friday, January 18, 1901, and Senators and Assemblymen are requested to be in Assembly Chamber at one o'clock and thirty minutes P. M.

2. The Senators will be invited to sit with the Assemblymen in the same order as at a joint assembly.

3. The Rev. C. L. Miel, assisted by Rev. C. P. Wilson, Chaplain of the Assembly, and Rev. W. C. Evans, Chaplain of the Senate, will each perform such services as are usual.

4. At the close of the services in the Assembly Chamber, the Senators, Assemblymen, members of the Grand Army, and friends of the deceased will pass and view the remains, and file out to the west entrance of the Capitol.

5. The local Posts of the Grand Army of the Republic will take part in the funeral ceremonies.

6. At the entrance of the Capitol the funeral march will be taken up, and the Senators and Assemblymen will be expected to march to the cemetery.

Honorary pall-bearers: Senators Thomas Flint, Jr., W. F. Maggard, and J. C. Sims; Assemblymen C. W. Pendleton, Grove L. Johnson, and W. S. Melick.

Active pall-bearers: A. J. Johnston, C. K. McClatchy, Elwood Bruner, W. A. Anderson, E. C. Hart, T. H. Barnard, T. L. Ford, and W. F. Knox.

A male quartet will furnish vocal music; instrumental music by a band.

MAGGARD, Chairman Senate Committee.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Leavitt: Senate Bill No. 249—An Act to create a fireman's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State.

Bill read first time, and referred to Committee on Health.

By Senator Caldwell: Senate Bill No. 250—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March

18, 1883, and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 251—An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Sims: Senate Bill No. 253—An Act to amend Section 2555 of the Civil Code of the State of California, relating to the mortgaging of personal property in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selva: Senate Bill No. 254—An Act to add a new section to the Political Code of the State of California, to be numbered 2805½, concerning the cancellation of certificates of sale under void assessments for taxes, or when a deed made to the State under a sale of lands to the State for the non-payment of taxes would be void, to cancel the same.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 255—An Act making an appropriation for the purpose of placing a flume and flood gates at the mouth of Lake Earl in Del Norte County, and providing for the manner of its expenditure.

Bill read first time, and referred to Committee on Finance.

By Senator Corlett: Senate Bill No. 256—An Act to amend Section 208 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 257—An Act to amend Section 237 of the Penal Code, relating to the crime of kidnapping.

Bill read first time, and referred to Committee on Judiciary.

By Senator Maggard: Senate Bill No. 258—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Bill read first time, and referred to Committee on Health.

By Senator Shortridge: Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Bill read first time, and referred to Committee on Finance.

By Senator Nutt: Senate Bill No. 260—An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School of San Diego and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 261—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Bill read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 262—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872,

by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 263—An Act authorizing the Secretary of State to appoint two additional clerks in his office, in addition to the number now allowed by law, fixing the compensation of such clerks, and repealing Section 422 of the Political Code, relating to special clerks in the office of Secretary of State.

Bill read first time, and referred to Committee on Finance.

By Senator Tyrrell of San Francisco: Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Bill read first time, and referred to Committee on Health.

By Senator Wolfe: Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

Bill read first time, and referred to Committee on Education.

By Senator Luchsinger: Senate Bill No. 266—An Act providing for the publication of legal or official advertising.

Bill read first time, and referred to Committee on Judiciary.

By Senator Byrnes: Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874.

Bill read first time, and referred to Committee on Corporations.

By Senator Cutter: Senate Bill No. 268—An Act to make an appropriation to pay the claim of John S. Wilkins, for services rendered for the State Quarantine Office, as messenger and clerk therefor during the year 1900—from January, 1900, to September, 1900, inclusive.

Bill read first time, and referred to Committee on Finance.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Smith of Kern:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to provide the stenographer to the Finance Committee with a typewriting desk, at a cost not exceeding \$5, the desk to become the property of the Senate, and be paid out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
Also:

Resolved, That each Senator be and he is hereby permitted to place the names of four newspapers on the list, and that the press mailing clerks mail to such papers one copy each of all printed bills and resolutions.

Resolution read and adopted.

By Senator Selvage:

Resolved, That the Secretary of the Senate be and he is hereby instructed to purchase for the use of the Judiciary Committee, Code Revision Committee, and the Desk, six (6) copies of Derring's Annotated Codes, payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

SENATE JOINT RESOLUTION No. 6.

Relative to forest reservation.

WHEREAS, The United States owns in California 8,000,000 acres of forest reserves; and
WHEREAS, More timber is destroyed in the State every year through forest fires than
is needed for five years of economic use; and

WHEREAS, Roads should be constructed and maintained, that the forests of enormous
value may be accessible and may be protected from forest fires; and

WHEREAS, The services of trained foresters are needed that only trees ripe for the ax
may be cut, thus introducing a system of forestry successfully used in European
countries; and

WHEREAS, The inauguration of forestry as an income-producing industry would give
employment to hundreds of men, notably to soldiers honorably discharged from the
Government service; and

WHEREAS, Even a portion of the millions of acres of Government reserves, under a
a system of forestry, would yield a revenue sufficient in amount annually to purchase
all the groves of sequoias (giant trees nowhere else existing in the world) now owned by
private parties; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That on behalf
of the interests of the United States Government itself, we urge an appropriation by
the Congress of the United States of money to be expended in the accomplishment of
the objects named in the above preamble, and we instruct our Senators and request our
Representatives to use their best efforts to accomplish the purposes herein recommended.

Resolved, That the Secretary of the Senate be and he is hereby directed to cause a
certified copy of this resolution to be forwarded by mail to the President of the Senate
and the Speaker of the House of Representatives of the Congress of the United States
and to each of our Senators and Representatives in Congress at Washington, D. C.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by
the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cur-
tin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lard, Lardner, Leavitt, Luchsinger,
Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims,
Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

On motion of Senator Tyrrell of Nevada Senate Bill No. 127 was
passed on file.

Senate Bill No. 115—An Act to provide for the establishment and
maintenance of public libraries within municipalities.

During second reading of bill, the following amendments were offered:

By Senator Cutter:

Amend by striking out of Section 1 the words "provided there be none already
established therein."

Amendment adopted.

By Senator Smith of Kern:

Amend by striking out of Section 4, line four, the words "delivered to," and inserting
in lieu thereof the following: served upon."

Amendment adopted.

Also:

Amend by striking out of Section 12, line four, the words "established under said
Act."

Amendment adopted.

By Senator Devlin:

Amend Section 12 by adding thereto, at end of section, the words: "Provided,
however, that this Act shall have no application to any library established or governed

by the provisions of a city charter, and the provisions of any city charter shall in no manner be affected by this Act."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

HOOR OF RECESS EXTENDED.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Davis, the hour for taking a recess was postponed for the purpose of taking up and disposing of Assembly messages.

ASSEMBLY MESSAGE.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 17, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 1, relative to the extension of an invitation to President McKinley on occasion of launching of battleship "Ohio" at San Francisco, May 18, 1901.

Also: Adopted Assembly Joint Resolution No. 9, relative to the California Mineral Lands Bill.

Also: Adopted Assembly Joint Resolution No. 10, relative to passage of the Grout bill, now pending in the United States Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Concurrent Resolution No. 1 ordered to enrollment.

Assembly Joint Resolution No. 10 referred to Committee on Agriculture.

SUSPENSION OF THE RULES.

Senator Davis moved that the rules be suspended for the purpose of immediately considering Assembly Joint Resolution No. 9.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—23.

NOES—Senators Lukens and Pace—2.

CONSIDERATION OF JOINT RESOLUTION.

The Secretary was directed to read Assembly Joint Resolution No. 9.

ASSEMBLY JOINT RESOLUTION No. 9.

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be respectfully and earnestly requested to immediately pass that certain bill known as the "California Mineral Lands Bill," and being the same bill drafted by the Hon. Binger Hermann, Commissioner of the General Land Office, and indorsed by the Hon. E. A. Hitchcock, Secretary of the Interior, looking to the classification and segregation of the mineral lands within the railroad land grants of the State of California.

That the immediate passage of said bill is to the utmost degree important.

That without the relief sought through the bill in question, mineral titles will remain unsettled, mineral rights incapable of satisfactory adjustment, and the mineral resources within such grants undeveloped. Capital will not seek investment under existing conditions, and the consequent loss to the industrial resources in this State is almost incalculable. In short, the necessity for the desired relief is immediate, urgent, and imperative.

Resolved further, That the Secretary of the Senate and the Chief Clerk of the Assembly be directed to immediately telegraph these resolutions to the Hon. President

of the Senate and the Hon. Speaker of the House of Representatives of the United States, through our Senators and Representatives of California, in Washington.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—33.

NOES—None.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Simpson, the Senate was declared adjourned until Friday, January 18, 1901, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Friday, January 18, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF THE JOURNAL.

The Journal of Thursday, January 17, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, January 15, 1901, having been previously read and corrected, was approved.

COMMUNICATION.

The following communication was presented by Senator Nutt, and, at his request, was ordered printed in the Journal :

OFFICE OF CLERK OF THE CITY OF SAN DIEGO,
CITY HALL, SAN DIEGO, CALIFORNIA, January 15, 1901. }

To the Honorable Secretary of the Senate of the State of California:

DEAR SIR: Pursuant to instructions received by me from the Common Council of the City of San Diego, I herewith hand you a certified copy of Ordinance No. 867,

adopted by the Common Council of the City of San Diego on the 14th day of January, 1901, and approved by the Mayor of said city on January 15, 1901, requesting your honorable body to adopt a resolution approving eleven certain amendments to the charter of the City of San Diego, California, ratified by the electors of said city at a special election held for that purpose in said city on the 12th day of January, 1901.

Yours respectfully,

[SEAL]

GEO. D. GOLDMAN,

City Clerk of the City of San Diego, California, and ex officio Clerk
of the Common Council of the City of San Diego, California.

ORDINANCE No. 867.

An ordinance applying to the Senate and Assembly of the State of California for the passage of a concurrent resolution approving the amendments to the charter of the City of San Diego, California, ratified by the electors thereof on the 12th day of January, 1901.

WHEREAS, The Common Council of the City of San Diego, California, on the 22d day of October, 1900, adopted Ordinance No. 839 of the ordinances of said city, entitled "An ordinance proposing amendments to the charter of the City of San Diego, California, providing for the publication thereof, and describing and setting forth such amendments," which are as follows:

Amending Sub-section 53 of Section 1 of Chapter II of Article II of said charter relative to incurring indebtedness;

Repealing Article IV of said charter, relative to a Police Court;

Amending said charter by adding Section 26 of Chapter I of Article V, relative to the powers of the Board of Public Works over any system of water-works owned by the city;

Amending Chapter II of Article V of said charter, relative to improvement of streets;

Repealing Chapter III of Article V of said charter, relative to street improvement districts;

Amending Chapter IV of Article V of said charter, relative to the opening of new streets;

Repealing Chapter VI of Article V of said charter, relative to Water Commissioners;

Amending Section 12 of Chapter II of Article VI of said charter, relative to incurring indebtedness;

Amending Section 13 of Chapter II of said Article VI of said charter, relative to issuing bonds;

Repealing Section 15 of Chapter II of Article VI of said charter, relative to depositing city funds in a bank;

Amending Article VIII of said charter, relative to public library;

Amending said charter by adding thereto Article XI, relative to a Police Court, which ordinance was approved by the Mayor of said city on the 31st day of October, 1900; and

WHEREAS, All of said proposals to amend said charter contained in said Ordinance No. 839 were duly published for at least twenty days in the city official newspaper of said city, to wit: The "San Diego Union and Daily Bee," which is a daily newspaper printed and published and of general circulation in said city, which publication was made as required by law and by the provisions of said Ordinance No. 839, which publication commenced on the 2d day of November, 1900, and ended on the 24th day of November, 1900; and

WHEREAS, Thereafter the said Common Council of said city on the 27th day of November, 1900, adopted Ordinance No. 850 of the ordinances of said City of San Diego, entitled "An ordinance calling and providing for a special election in and for the city of San Diego, County of San Diego, State of California, to be held in said city on Saturday, the 12th day of January, 1901, for the purpose of submitting to the qualified electors of the said City of San Diego, twelve (12) certain proposals to amend the charter of said City of San Diego, pursuant to the provisions of, and in the manner provided by, the Constitution and laws of the State of California; establishing municipal election precincts for said election and designating polling-places therein; appointing a board of election for each precinct; and providing for notice to be given of said election," which ordinance was approved by the Mayor of the said City of San Diego on the 28th day of November, 1900; and

WHEREAS, Pursuant to said Ordinance No. 850, said special election was held in said city on the 12th day of January, 1901, at which election the said proposed amendments to the said charter were submitted to the electors of said city for their ratification or rejection; and

WHEREAS, The said Common Council has on this 14th day of January, 1901, duly canvassed the returns of said special election, and declared and determined that at said special election the whole number of votes cast upon the ratification of said proposed Amendment No. 1 was 1,108 votes, of which number 884 votes were cast in favor of the ratification of the said proposed Amendment No. 1, and 224 votes were cast against the ratification of said proposed Amendment No. 1;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 2 was 1,097 votes, of which number 868 votes were cast in favor of the ratification of the said proposed Amendment No. 2, and 229 votes against the ratification of said proposed Amendment No. 2;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 3 was 1,111 votes, of which number 897 votes were cast in favor of the ratification of the said proposed Amendment No. 3, and 214 votes against the ratification of said proposed Amendment No. 3;

That the whole number of votes cast upon the ratification of the said proposed Amendment No. 4 was 1,109 votes, of which 893 votes were cast in favor of the ratification of the said proposed Amendment No. 4, and 216 votes against the ratification of said proposed Amendment No. 4;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 5 was 1,109 votes, of which number 886 votes were cast in favor of the ratification of the said proposed Amendment No. 5, and 214 votes against the ratification of said proposed Amendment No. 5;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 6 was 1,101 votes, of which number 890 votes were cast in favor of said proposed Amendment No. 6, and 211 votes against the ratification of said proposed Amendment No. 6;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 7 was 1,095 votes, of which number 883 votes were cast in favor of the ratification of said proposed Amendment No. 7, and 212 votes against the ratification of said proposed Amendment No. 7;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 8 was 1,103 votes, of which number 894 votes were cast in favor of the ratification of the said proposed Amendment No. 8, and 209 votes against the ratification of said proposed Amendment No. 8;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 9 was 1,096 votes, of which number 875 votes were cast in favor of the ratification of the said proposed Amendment No. 9, and 221 votes against the ratification of said proposed Amendment No. 9;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 10 was 1,089 votes, of which number 867 votes were cast in favor of the ratification of the said proposed Amendment No. 10, and 222 votes against the ratification of said proposed Amendment No. 10;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 11 was 1,102 votes, of which number 871 votes were cast in favor of the ratification of the said proposed Amendment No. 11, and 231 votes against the ratification of said proposed Amendment No. 11;

That the whole number of votes cast upon the ratification of said proposed Amendment No. 12 was 1,109 votes, of which number 806 votes were cast in favor of the ratification of the said proposed Amendment No. 12, and 803 votes against the ratification of said proposed Amendment No. 12; and

WHEREAS, The said Common Council has declared and determined that at said special election the said proposed amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 were duly carried, adopted and ratified by the electors of said city, and that at said special election said proposed Amendment No. 12 was not adopted, and not carried, and not ratified by the electors of said city; and

WHEREAS, Said Common Council desires that the Honorable Senate of the State of California and the Honorable Assembly of the State of California approve the ratification by said electors of the said eleven proposed amendments to said charter by the adoption of a concurrent joint resolution; therefore,

Be it ordained by the Common Council of the City of San Diego, as follows:

SECTION 1. That the Honorable Senate of the State of California and the Honorable Assembly of the State of California be and they are hereby respectfully requested to approve, by the adoption of a concurrent joint resolution, the ratification by the electors of said city of the said eleven proposed amendments to the charter of said city.

SEC. 2. That after said eleven proposed amendments so ratified by said electors of said city shall have been so approved by the Senate and Assembly of the said State of California, that a copy of such amendments, duly certified by the Mayor of said city and authenticated by the seal of said city, setting forth the submission of such amendments to the electors of said city and the ratification of said eleven amendments by said electors, shall be made in duplicate and deposited, one copy in the office of the Secretary of State, and the other filed in the office of the County Recorder of the County of San Diego, State of California, which copy of said amendments so ratified and approved, after being recorded in said Recorder's office, shall be deposited in the archives of the said City of San Diego, and thereafter all courts shall take judicial notice of the amendments to the said charter.

SEC. 3. This ordinance shall be in force and take effect from and after its passage and approval.

SEC. 4. That the City Clerk of the City of San Diego be and he is hereby authorized and directed, immediately after the approval of this ordinance, to publish this ordinance, or cause the same to be published, once in the city official newspaper of said city, to wit: The "San Diego Union and Daily Bee," and thereafter to send a certified copy hereof to the Clerk of the Senate and to the Clerk of the Assembly of the said State of California.

Passed and adopted by the Board of Delegates of the City of San Diego, California, this 14th day of January, 1901, and signed in open session thereof by the President of said board January 14, 1901.

FRANK P. FRARY,

President of the Board of Delegates of the City of San Diego, California.

Passed and adopted by the Board of Aldermen of the City of San Diego, California, this 14th day of January, 1901, and signed in open session thereof by the President of said board January 14, 1901.

SAMUEL G. INGLE,

President of the Board of Aldermen of the City of San Diego, California.

I hereby approve the foregoing ordinance this 15th day of January, 1901.

EDWIN M. CAPPS,

Mayor of the City of San Diego, California.

[SEAL]

Attest: GEO. D. GOLDMAN, City Clerk.

OFFICE OF THE CITY CLERK OF THE
CITY OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, } ss.
STATE OF CALIFORNIA.

I, Geo. D. Goldman, City Clerk of the City of San Diego, in the County of San Diego, State of California, and ex officio Clerk of the Common Council of the said City of San Diego, do hereby certify that the foregoing is a full, true, and correct copy of the original ordinance adopted by the Common Council of the City of San Diego, on the 14th day of January, 1901, and approved by the Mayor of the said City of San Diego, on the 15th day of January, 1901, and now of record in my office.

Witness my hand and the seal of the said City of San Diego this 16th day of January, 1901.

GEO. D. GOLDMAN,

City Clerk of the City of San Diego, California, and ex officio Clerk of the
Common Council of the City of San Diego, in the County of San Diego,
State of California.

[SEAL.]

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Secretary be instructed to place no bills carrying appropriations on the file until said bills have been reported from the Finance Committee.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 18, 1901.

MR. PRESIDENT: Your Committee on Reformatories, to whom was referred that portion of the Governor's Biennial Message referring to the Paris Exposition Commission, beg leave to return the same without recommendation, the subject-matter contained not coming within the province of the Committee on Reformatories of this Senate.

FRED M. SMITH, Chairman.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, January 17, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 1 ordered on file for second reading.

ON MINING.

SENATE CHAMBER, SACRAMENTO, January 18, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Senate Bill No. 18—An Act to provide for the inspection of illuminating oils, manufactured from

petroleum or coal oil—have had the same under consideration, and respectfully report the same back in a substitute bill, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Senate Bill No. 18 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 17, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Also: Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

Also: Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and increase for the fiftieth fiscal year.

Also: Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Also: Senate Bill No. 52—An Act to provide for the payment of the claim of Mo-loc County for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 127—An Act to provide for the appointment, duties and compensation of the District Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such Commissioner, and to repeal certain former Acts relating to the subject matter of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Mining.

SMITH, Chairman.

Senate Bills Nos. 45, 47, 48, 49, and 52 ordered on file for second reading.

Senate Bill No. 127 re-referred to Committee on Mining.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 16, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CURRIER, Chairman.

Senate Bill No. 19 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 35—An Act entitled "An Act to amend an Act entitled 'An Act to establish a Penal Code,'" approved February 14, 1872, by adding a new section thereto, to be known as Section 190—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Senate Bill No. 35 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 18, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 2—Relative to the President of the United States relieving Dr. Kim-youn from duties on the Pacific Coast—have had the same under consideration, and report the same back, with the recommendation that it be adopted as amended.

Also: Senate Joint Resolution No. 3—Relative to the Chinese and Japanese pauper labor in the United States.

Also: Senate Joint Resolution No. 4—Relating to Chinese and Japanese pauper labor and protecting American laborers.

Recommend that they be adopted as amended.

Also: Senate Joint Resolution No. 5—Relative to Chinese and Japanese and other

alien pauper labor immigration to the United States—have had the same under consideration, and report the same back, with the recommendation that it be adopted.

LAIRD, Chairman.

Senate Joint Resolutions Nos. 2, 3, 4, and 5 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 18, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to provide the stenographer to the Finance Committee with a typewriting desk, at a cost not exceeding \$5, the desk to become the property of the Senate, and be paid out of the Contingent Fund of the Senate.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to purchase for the use of the Judiciary Committee, Code Revision Committee, and the Desk six (6) copies of Deering's Annotated Codes, payable out of the Contingent Fund of the Senate.

Also:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase for the Senate four dozen Royal index files.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the Senate committees eleven dozen globe files, and two dozen perforators for the same. The Controller is hereby authorized to draw his warrant, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also:

Resolved, That the several sums set opposite the names of the following-named persons be and the same are hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying for labor performed and services rendered by the different persons mentioned herein, and the Controller of State is authorized to draw his warrant for the several amounts, and the Treasurer is directed to pay the same:

Name.	Position.	Days.	Rate.	Amount.
C. S. McMullen.....	Assistant Minute Clerk.....	6	\$6 00	\$36 00
J. G. McCall.....	Assistant Sergeant-at-Arms.....	2	5 00	10 00
J. C. Carter.....	Porter.....	2	3 00	6 00
Mrs. Kneedline.....	Janitress.....	5	3 00	15 00
Wm. Gamble.....	Porter.....	4	3 00	12 00
Tom Rogers, Sr.....	Watchman.....	3	3 00	9 00
Tom Rogers, Jr.....	Watchman.....	3	3 00	9 00
L. G. Jacobs.....	Porter.....	2	3 00	6 00
Frank G. Springer.....	Page.....	2	2 50	5 00
Rev. C. L. Miel.....	Chaplain.....	1	4 00	4 00
Hiram Clock.....	Porter.....	2	3 00	6 00
A. L. Dillon.....	Mail Carrier.....	2	3 00	6 00
Reed Baxter.....	Page.....	2	2 50	5 00
Munroe Gilman.....	Page.....	1	2 50	2 50
E. M. Smith.....	Page.....	1	2 50	2 50

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

Resolved, That the several sums set opposite the names of the following-named persons be and the same are hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying for labor performed and services rendered by the different persons mentioned herein, and the Controller of State is authorized to draw his warrants for the several amounts, and the Treasurer is directed to pay the same:

Name.	Position.	Days.	Rate.	Amount.
J. G. McCall.....	Assistant Sergeant-at-Arms.....	1	\$5 00	\$5 00
J. C. Carter.....	Porter.....	2	3 00	6 00
Wm. Gamble.....	Porter.....	4	3 00	12 00
Tom Rogers, Sr.....	Watchman.....	3	3 00	9 00
Tom Rogers, Jr.....	Watchman.....	3	3 00	9 00
L. G. Jacobs.....	Porter.....	2	3 00	6 00
Hiram Clock.....	Porter.....	1	3 00	3 00
A. L. Dillon.....	Mail Carrier.....	2	3 00	6 00

FLINT, Chairman.

The question being on the adoption of the above report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens,

Maggard, Nelson, Nutt, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—31.
NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Leavitt: Senate Bill No. 269—An Act making an appropriation to pay the claims of certain employes of the State Printing Office.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caldwell: Senate Bill No. 271—An Act to provide for certain improvements at the Southern California State Hospital and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 272—An Act appropriating \$7,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital, at Patton, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 273—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 274—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 275—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

By Senator Nutt: Senate Concurrent Resolution No. 6—Approving eleven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1901.

Referred to Committee on Municipal Corporations.

By Senator Nutt: Senate Bill No. 276—An Act relating to negotiable instruments, being an Act to establish a law uniform with the laws of other States on that subject.

Bill read first time, and referred to Committee on Judiciary.

By Senator Taylor: Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow-larks.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Lukens: Senate Bill No. 278—An Act to amend Section 278 of the Penal Code of California, relating to child stealing.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 279—An Act to amend Section 237 of the

Penal Code of California, relating to the punishment for false imprisonment.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pace: Senate Bill No. 280—An Act to add a new section to the Political Code, to be known as Section 1890, relating to the formation of public school districts.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 281—An Act to add a new section to the Penal Code of the State of California, to be numbered 637½, relating to the preservation of game in national parks in the State of California.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Smith of Kern: Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

Bill read first time, and referred to Committee on Education.

By Senator Ashe: Senate Bill No. 283—An Act to amend Section 92 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 284—An Act to add a new section to the Civil Code of the State of California, to be known as Section 108, relating to divorces.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 285—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties, in the State.'"

Bill read first time, and referred to Committee on Education.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

SECOND READING OF BILLS.

Senate Bill No. 117—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered to third reading.

HOUR OF RECESS POSTPONED.

At eleven o'clock and fifty-eight minutes A. M., on motion of Senator Wolfe, the hour of recess was postponed.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 17—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code of the State of California.

Bill read second time.

Senator Sims moved that bill be denied engrossment and third reading.

The question being, "Shall the bill be engrossed and read the third time?"

The roll was called, and Senate Bill No. 17 denied engrossment and third reading by the following vote:

AYES—Senators Corlett, Hoey, Pace, Shortridge, Smith of Kern, Tyrrell of San Francisco, and Welch—7.

NOES—Senators Burnett, Byrnes, Caldwell, Curtin, Cutter, Davis, Devlin, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—24.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Smith of Kern:

Resolved, That the Controller is hereby authorized and directed to draw his warrants against the appropriation for contingent expenses of the Senate, thirty-fourth session, for \$303.50, to pay the per diem of the officers and clerks of the Senate, thirty-third session, for the last day of said session, the same not having been paid owing to the appropriation for said thirty-third session having been exhausted.

Resolution read, and referred to Committee on Contingent Expenses.
Also:

Resolved, That the State Printer be and he is hereby directed to print 200 copies only of the Daily History of the Senate.

Resolution read and adopted.

Also:

Resolved, That the State Printer be and he is hereby authorized to print for the use of the Senators 3,000 copies of Bulletin No. 19 issued by the State Mining Bureau, the same to be paid for out of the fund for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

LEAVE OF ABSENCE.

Senator Taylor was granted leave of absence until Tuesday, January 22, 1901, on his own motion.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until Monday, January 21, 1901, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, January 21, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

LEAVE OF ABSENCE.

Senator Muentzer was granted a leave of absence for one week, on motion of Senator Luchsinger.

Senator Caldwell was granted a leave of absence for the day, on motion of Senator Belshaw.

Senator Cutter was granted a leave of absence for the day, on motion of Senator Maggard.

READING OF THE JOURNAL.

The Journal of Friday, January 18, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 16, 1901, having been previously read and corrected, was approved.

ASSEMBLY MESSAGE.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 6—Relative to forest reservation.

CLO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Joint Resolution No. 6 ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Senator Maggard:

Resolved, That Miss C. M. Glover be substituted as committee clerk in the place of J. D. Jones, to date from January 9, 1901, and that the Controller be instructed to cancel warrants Nos 6134 and 7100, drawn in favor of said J. D. Jones, for services for the weeks ending January 12 and January 19, 1901.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 87—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Also: Senate Bill No. 122—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 41—An Act to amend the Civil Code of this State by adding four new sections thereto, to be known as Sections 1314, 1315, 1316, and 1316½, relating to

depositing wills with the County Recorder, providing how the same shall be kept by him, how the same shall be delivered and how the same shall be opened—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Senate Bills Nos. 87, 122, and 41 ordered on file for second reading.

ON MINING.

SENATE CHAMBER, SACRAMENTO, January 18, 1901

MR. PRESIDENT: Your Committee on Mining, to whom was re-referred Senate Bill No. 127—An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner, and to repeal certain former Acts relating to the subject-matter of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and that it be referred to the Committee on Finance.

JOHN R. TYRRELL, Chairman.

Senate Bill No. 127 referred to Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS

SENATE CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

NELSON, Chairman.

Senate Bill No. 115 ordered on file for third reading.

ON FOOD ADULTERATION.

SENATE CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: Your Committee on Food Adulteration, to whom was referred Senate Bill No. 3—An Act to amend Sections 2, 11, and 13 of an Act entitled "An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and the products of milk drawn from diseased animals; to prevent the spread of infectious diseases common to stock, and to appropriate money therefor," approved March 22, 1899—have had the same under consideration, and respectfully report the same back, and recommend that the bill be referred to Committee on Agriculture.

BURNETT, Chairman.

Senate Bill No. 3 referred to Committee on Agriculture.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 16, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed and directed to purchase for the use of the duly accredited representatives of the press having seats on the floor of this Senate, files known as the Keystone Patent Binders, and that the Controller be instructed to draw his warrant on the State Treasurer to pay for the same.

We recommend the adoption of the above resolution, after inserting "fifteen (15)" before the word "files," and respectfully report the same back, and recommend that it be adopted as amended.

FLINT, Chairman.

The question being on the adoption of the report and resolution as amended.

The roll was called, and the report and amendment adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvaige, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Laird: Senate Joint Resolution No. 10—Relative to the establishment of a boarding school for Pit River Indians, in Modoc County, California.

Referred to Committee on Federal Relations.

By Senator Lukens: Senate Bill No. 286—An Act to amend Section 849 of the Penal Code of the State of California, relating to arrests.

Bill read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 287—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures," approved February 23, 1899.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 288—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 289—An Act to declare the Sonora and Big Meadows Wagon Road, commencing at Sonora, in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway.

Bill read first time, and referred to Committee on Highways.

Also: Senate Bill No. 290—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands.

Bill read first time, and referred to Committee on Finance.

By Senator Davis: Senate Joint Resolution No. 11—Relative to the appointment of United States Senators by each State.

Referred to Committee on Federal Relations.

By Senator Curtin: Senate Bill No. 291—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selva: Senate Bill No. 293—An Act to amend Section 1882 of the Political Code, by increasing the number of years for which bonds may be issued.

Bill read first time, and referred to Committee on County Governments.

By Senator Tyrrell of Nevada: Senate Bill No. 294—An Act to provide for the appointment of a Mining Inspector in each Congressional district in the State, to define his duties and provide for his compensation and the liability of mining operators.

Bill read first time, and referred to Committee on Mining.

Also: Senate Bill No. 295—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be

expended under his directions in the discharge of his duties as such Commissioner," approved March 24, 1893.

Bill read first time, and referred to Committee on Mining.

By Senator Oneal: Senate Bill No. 296—An Act amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Referred to Committee on Constitutional Amendments.

By Senator Smith of Kern: Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation, in the name of the State, to abate any public nuisance, in any way affecting him, or his family, or his property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 299—An Act to amend Section 290 of the Civil Code, relative to articles of incorporation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 300—An Act to amend Section 305 of the Civil Code, relating to corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 301—An Act to amend Section 412 of the Penal Code.

Bill read first time, and referred to Committee on Corporations.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 117—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Passed on file.

SECOND READING OF BILLS.

Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499½, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

During the second reading of bill, the following committee amendments were submitted:

Amend by striking out the fraction " $\frac{1}{2}$," at the end of line one of the title thereof, and inserting in lieu thereof the following: "a."

Amendment adopted.

Also: Amend by striking out the fraction " $\frac{1}{2}$," on line four, first page, printed bill, and inserting in lieu thereof the following: "a."

Amendment adopted.

Also: Amend by striking out the words "and one half," on line two, first page, printed bill, and inserting in lieu thereof the following: "a."

Amendment adopted.

Also: Amend by striking out the words "or who shall maliciously tamper with and injure such apparatus or wires," on lines twelve and thirteen, first page, printed bill.

Amendment adopted.

Also: Amend by placing a period instead of a comma after the word "misdemeanor," on line fourteen, first page, printed bill, and striking out all of the remainder of section one.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 39—An Act to amend Section 470 of the Political Code of the State of California, relating to the duties of the Attorney-General.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

During the second reading of bill, the following committee amendment was submitted:

Amend by striking out the word "two," in line two of Section 1, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

The following amendments were offered by Senator Devlin:

Amend by adding after the word "authorized," in line two, the following: "in their discretion," and strike out, in line two, "and directed."

Amendment adopted.

Also: Strike out "at least twenty," in lines three and four.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 18—An Act to provide for the inspection of illuminating oils, manufactured from petroleum or coal oils.

Committee substitute ordered to print, and to retain place on file.

Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture for the fiftieth fiscal year.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 52—An Act to provide for the payment of the claim of Modoc County for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers, or material used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Passed on file.

Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 593.

COMMITTEE AMENDMENTS.

During the second reading of bill, the following committee amendments were submitted:

Amend by striking out the words "knowingly, and without the authority of the owner or managing agent thereof, or who," in lines seven and eight, first page, printed bill, and inserting in lieu thereof the words "unlawfully and."

Amendment adopted.

Also: Amend by striking out the words "any purpose whatsoever," in line eleven, first page, printed bill, and inserting in lieu thereof the words "light, heat, and power."

Amendment adopted.

Also: Amend by inserting the words "or current" after the word "cable," in line fourteen, first page, printed bill.

Amendment adopted.

Also: Amend by striking out the words "in the county jail not less than six months," in lines fifteen and sixteen, first page, printed bill, and inserting in lieu thereof the following: "by fine or imprisonment in the county jail."

Amendment adopted.

The following amendments were offered:

By Senator Devlin:

Amend by adding after "and maintained," in line ten, "by proper authority."

Amendment adopted.

By Senator Sims:

Amend by striking out the word "or," in line fourteen, first page, and inserting a comma in lieu thereof.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

JOINT RESOLUTIONS.

Senate Joint Resolution No. 2—Requesting the President of the United States to direct that Dr. J. J. Kinyoun, United States Quarantine Officer for San Francisco, be relieved from further service on the Pacific Coast.

Passed on file.

Senate Joint Resolution No. 3—Relative to Chinese and Japanese and other alien pauper labor immigration into the United States.

HOOR OF RECESS POSTPONED.

At eleven o'clock and fifty-eight minutes A. M., on motion of Senator Leavitt, the hour of recess was postponed.

During the reading of Senate Joint Resolution No. 3, the following amendment was offered by Senator Belshaw:

Amend by striking out of lines one and two, Section 3, the following: "Resolved by the Senate of the State of California, the Assembly concurring," and inserting in lieu thereof the following: "Resolved by the Senate and Assembly of the State of California, jointly."

Amendment adopted.

JOINT RESOLUTIONS RE-REFERRED.

On motion of Senator Davis, Senate Joint Resolutions Nos. 3, 4, and 5, relative to Chinese and Japanese and other alien pauper labor immigration, were re-referred to Committee on Federal Relations, to recommend the adoption of any one or a committee substitute for the same.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until eleven o'clock A. M. of Tuesday, January 22, 1901.

IN SENATE.

SENATE CHAMBER,)
Tuesday, January 22, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans, as follows:

Our Heavenly Father, Thou art God. We thank Thee that Thou art making laws to be so widely observed. We thank Thee for the gracious life of her who has reigned so long, so wisely, and so well over our sister nation; and we pray, O Lord, that Thy blessing may this day rest upon England and her people in their bereavement. Be pleased, O God, to bless that family there, who though clad in the purple of royalty, feel their afflictions, even as we feel ours when they come upon us. And grant, O Lord, that the demise of England's gracious queen may be even more potent for the spreading of peace throughout the wide domain over which she ruled than even her wonderful life has been.

Returning to our own, we pray Thy blessing upon our President, his advisers and associates in authority; upon our State and her officers; upon this Senate in all its labors. All this we ask for Thy name's sake. Amen.

READING OF THE JOURNAL.

The Journal of Monday, January 21, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 17, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Caldwell was granted a leave of absence for the day, on motion of Senator Belshaw.

PETITIONS.

Senator Wolfe presented petitions praying for the passage of Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigation on behalf of the State, and making an appropriation for the expenses of such investigation—signed by the presidents and secretaries for the members of the following organizations:

- Merchants' Association of San Francisco.
- Woodland Chamber of Commerce.
- San Francisco Produce Exchange.
- Sacramento Chamber of Commerce.
- Oakland Board of Trade.
- California Miners' Association.
- Santa Cruz Board of Trade.
- San Bernardino Board of Trade.
- Chamber of Commerce of San Francisco.
- Riverside Chamber of Commerce.
- Fresno Chamber of Commerce.
- Manufacturers and Producers' Association of California.
- Board of Trade of Tulare City.
- Visalia Board of Trade.
- Joint Convention of San Joaquin Valley Commercial Association and Sacramento Valley Development Association.
- Merchants and Manufacturers' Association of Los Angeles.
- California State Board of Trade.
- Board of Trade of San Francisco.
- Stockton Chamber of Commerce.
- Chico Board of Trade.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to concur in the Senate amendment to Rule 23 of the Joint Rules of the Senate and Assembly, and adopted the following amendment to said Rule 23:

Amend Rule 23 by adding at the end thereof the following words: "but the conferees may be discharged and other conferees appointed, or the report may be recommitted to the same conferees."

And thereupon adopted as amended the said Joint Rules of the Senate and Assembly as reported by the Committee on Rules of both Senate and Assembly.

CILLO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate recede from its amendment to Rule 23 of the Joint Rules of Senate and Assembly?"

The roll was called, and the Senate refused to recede from its amendment to Rule 23 of the Joint Rules of Senate and Assembly by the following vote:

AYES—None.

NOES—Senators Belshaw, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—31.

The question being, "Shall the Senate concur in the Assembly amendment to Rule 23 of the Joint Rules of Senate and Assembly?"

The roll was called, and the Senate refused to concur in Assembly amendment to Rule 23 of the Joint Rules of Senate and Assembly by the following vote:

AYES—None.

NOES—Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

RESOLUTIONS.

The following resolutions were offered:

By Senator Selvage:

Resolved, That the Secretary of the Senate be and he is hereby directed to have bound for the use of the Committee on Code Revision seven volumes each of the Code of Civil Procedure, the Civil Code, and the Penal Code, with notes of commissioners, as revised by the Committee on Code Revision, said volumes to have a blank lined leaf, upon which to make notes, bound between each of the leaves therein.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Davis:

Resolved, That when the Senate adjourn, it do so out of respect to the memory of Victoria I, late Queen of Great Britain and Ireland and Empress of India, and as a mark of sympathy with that sentiment which, in the presence of her death, makes all the world kin.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MINING.

SENATE CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for

the appointment of an Inspector of Mines, and defining his duties and fixing his compensation -have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

J. R. TYRRELL, Chairman.

Senate Bill No. 135 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 8—Relative to not recommending the ratification of the proposed treaty with Jamaica—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LAIRD, Chairman.

Senate Joint Resolution No. 8 ordered on file.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 144—An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such division -have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Senate Bill No. 144 ordered on file for second reading.

ON REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Reformatories, to whom was referred Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry.

Also: Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Also: Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Also: Senate Bill No. 38—An Act appropriating money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Also: Senate Bill No. 172—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass; and it is further recommended that the same be referred to the Finance Committee.

MAGGARD, Chairman.

Senate Bills Nos. 37, 38, 172, 175, and 177 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court, and their salaries

Also: Senate Bill No. 103—An Act making an appropriation to pay the deficiency for transportation of insane and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Also: Senate Bill No. 155—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Also: Senate Bill No. 160—An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor

Also: Senate Bill No. 165—An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 167—An Act making an appropriation for the erection of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; and Hon. Dana Perkins, late State Librarian, in

the State burial plot at Sacramento—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 63, 103, 155, 160, 165, and 167 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred certain portions of the Governor's message, among others the following:

Under the provisions of Section 6 of an Act entitled "An Act to authorize suits against the State, and regulating the procedure therein," approved February 28, 1893, (Stats. 1893, p. 58), it becomes my duty to report to your honorable bodies all judgments rendered against the State and not heretofore reported.

The following is a list of such judgments, which has been brought to my knowledge by the Attorney-General:

First—"James C. Daly, plaintiff, vs. State of California, defendant. By complaint in Superior Court, City and County of San Francisco, for \$10,000, legal service in S. P. Co vs. Board of Railroad Commissioners. Judgment for plaintiff, September 3, 1898, for \$11,050 and interest until paid. Stipulation waiving appeal filed November 4, 1898. Closed."

From communications received from Mr. D. E. Collins, it is made to appear that the above judgment was at some time assigned to the California Bank of Oakland, but of the correctness of this information I have no knowledge from the records.

Second—"J. R. Hanify, plaintiff, vs. State of California, defendant, Justice's Court, City and County of San Francisco. No. 91,512. Complaint filed June 25, 1896, to recover \$197.70 damages caused to a lot of shingles dumped into San Francisco Bay by collapse of Fremont Street wharf. Cause tried and submitted December 20, 1898. On February 7, 1899, judgment rendered for plaintiff for \$197.70 damages and \$63 costs. Records of court show no satisfaction or assignment of judgment."

Third—"The People of the State of California, by Tiley L. Ford, Attorney-General of said State, plaintiff, vs. Pacific Land Improvement Company (a corporation) and Emil Wickman, defendants. Superior Court, Los Angeles County. No. 33738. Complaint filed October 25, 1899. Action to quiet title to certain lands in the town of Santa Fe Springs, County of Los Angeles, dedicated as a public park. Cause tried December 5, 1899, and on that date judgment rendered for defendants, because of insufficient proof of acceptance by the public."

Have had the same under consideration, and respectfully now make our partial report as follows, to wit:

We have drafted, and desire to introduce, the two accompanying bills, in order that the matter therein referred to may be presented to the Senate, and in order that said bills may be referred to the proper committee.

DAVIS, Chairman.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Committee on Judiciary: Senate Bill No. 302—An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department 4, now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 303—An Act making an appropriation to pay the judgment of J. R. Hanify, plaintiff, against the State of California, defendant, numbered 91,512 in Justice Court of the City and County of San Francisco; judgment rendered February 7, 1899.

Bill read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill

No. 3—An Act to amend Sections 2, 11, and 13 of an Act entitled "An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and the products of milk drawn from diseased animals; to prevent the spread of infectious diseases common to stock, and to appropriate money therefor," approved March 22, 1899—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to Finance Committee.

CURRIER, Chairman.

Senate Bill No. 3 referred to Committee on Finance.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 6—Amendments to San Diego charter—have had the same under consideration, and respectfully report the same back, and recommend that a typographical error be corrected by adding the word "have" after the word "shall," in line four, page three, printed resolution; and, as corrected, that the resolution be adopted.

TAYLOR, Chairman.

Senate Concurrent Resolution No. 6 ordered to print and on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 113—An Act relative to the meeting place of high school boards within municipal corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 102—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

Also: Senate Bill No. 112—An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 260—An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School of San Diego, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to Committee on Finance.

LARDNER, Chairman.

Senate Bills Nos. 102 and 260 referred to Committee on Finance.

Senate Bills Nos. 113 and 112 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No. 1—Relative to the extension of an invitation to President McKinley on occasion of launching of battleship "Ohio" at San Francisco, May 18, 1901—and report that the same has been correctly enrolled, and presented the same to the Governor on this 21st day of January, 1901, at twelve o'clock and ten minutes P.M.

Also: That they have examined and compared the following considered engrossed bills:

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Senate Bill No. 39—An Act to amend Section 470 of the Political Code of the State of California, relating to the duties of the Attorney-General.

Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture for the fiftieth fiscal year.

Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Senate Bill No. 52—An Act to provide for the payment of a claim of Modoc County

for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

NELSON, Chairman.

Senate Bills Nos. 36, 39, 45, 47, 48, 49, and 52 ordered on file for third reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 21, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the State Printer be and he is hereby authorized to print for the use of the Senators 3,000 copies of Bulletin No. 19, issued by the State Mining Bureau, the same to be paid for out of the fund for the contingent expenses of the Senate.

Recommend that the following substitute be adopted:

Resolved, That the State Printer be and he is hereby authorized to print for the use of the Senators 2,000 copies of Bulletin No. 19, issued by the State Mining Bureau; the Controller is hereby authorized to draw his warrant in favor of the State Printer for the sum of \$600, payable from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to purchase for the use of the committees named below the following supplies, the same to be paid for out of the contingent expenses of the Senate: For County Government and Township Organization, nine copies of Henning's County Government; for Municipal Corporations, nine copies of Finlayson's Street Law; for Banks and Banking, five copies of Magee's State Banks and Bank Officers.

Recommend that the above resolution be amended by striking out the words "nine copies of Henning's County Government, nine copies of Finlayson's Street Law, and five copies Magee's State Banks and Bank Officers," and substituting therefor the words "one copy of Henning's County Government, one copy of Finlayson's Street Law, and two copies of Magee's State Banks and Bank Officers."

And respectfully report the same back, and recommend that it be adopted as amended.

Also:

Resolved, That the Controller is hereby authorized and directed to draw his warrants against the appropriation for contingent expenses of the Senate, thirty fourth session, for \$303.50, to pay the per diem of the officers and clerks of the Senate, thirty-third session, for the last day of said session, the same not having been paid owing to the appropriation for said thirty-third session having been exhausted.

Also:

Resolved, That the State Printer be and he is hereby directed to print 200 copies only of the Daily History of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.
NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Hoey: Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the police departments of cities, and cities and counties.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Tyrrell of San Francisco: Senate Bill No. 306—An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1899.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 307—An Act entitled "An Act to prevent the sale of raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production."

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 308—An Act to amend Section 1970 of the Civil Code of the State of California in relation to the obligations of employers.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 309—An Act to add a new section to the Civil Code of the State of California, to be known as Section 1972 of the Civil Code of the State of California, in relation to the obligations of employers.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Laird: Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Bill read first time, and referred to Committee on Health.

Also: Senate Bill No. 311—An Act appropriating money for the payment of claims against the State arising in the counties of Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, and Trinity, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Referred to Committee on Finance.

By Senator Lukens: Senate Bill No. 312—An Act to provide for the payment of judgments against counties, cities and counties, and towns.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 313—An Act to amend Subdivision 2 of Section 1, Article III, of an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887.

Bill read first time, and referred to Committee on Hospitals.

By Senator Nutt: Senate Bill No. 314—An Act to amend Section 3790 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 315—An Act to amend Section 3823 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lardner: Senate Bill No. 316—An Act to amend Section

1670 of the Political Code of the State of California, relating to high schools.

Bill read first time, and referred to Committee on Education.

By Senator Taylor: Senate Bill No. 317—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commission for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 318—An Act to assist the City and County of San Francisco in grading and making a cut through the hill on Folsom Street, in said city and county, between Ripley Street and Crescent Avenue, and making an appropriation therefor.

Bill read first time, and referred to Committee on Corporations.

By Senator Devlin: Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Bill read first time, and referred to Committee on Health.

Senate Concurrent Resolution No. 7—Relative to the consent of the Legislature to absence from the State of State Senator John F. Davis, of the Fourteenth Senatorial District, for a period not to exceed six months.

Ordered to print without reference to committee.

By Senator Cutter: Senate Bill No. 320—An Act to provide in whose name title to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893, and the amendments thereto.

Bill read first time, and referred to Committee on Drainage.

Also: Senate Bill No. 321—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 322—An Act amending Section 751 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the officers of cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 323—An Act amending Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relat-

ing to the election and terms of office of officers of cities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 324—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 325—An Act regulating imposition of licenses by counties and municipal corporations in certain cases.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 326—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 327—An Act for the better protection of agricultural interests by restricting the licensing by counties of cultivation of the soil and of the raising of domestic stock.

Bill read first time, and referred to Committee on County Governments.

By Senator Byrnes: Senate Bill No. 328—An Act to amend Section 3951 of the Political Code of the State of California, relative to the boundaries of the County of San Mateo.

Bill read first time, and referred to Committee on County Governments.

By Senator Rowell: Senate Joint Resolution No. 12—Relative to attempted location of mineral oil lands as agricultural lands.

Referred to Committee on Federal Relations.

At eleven o'clock and forty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 117—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 117 passed by the following vote:

AYES—Senators Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvaige, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Passed on file.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Passed on file.

Senate Bill No. 39—An Act to amend Section 470 of the Political Code of the State of California, relating to the duties of the Attorney-General.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 39 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 45 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 52—An Act to provide for the payment of the claim of Modoc County for cost of foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

Passed on file.

HOOR OF RECESS POSTPONED.

At eleven o'clock and fifty-eight minutes A. M., on motion of Senator Leavitt, the hour of recess was postponed.

SECOND READING OF BILLS.

Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Passed on file.

Senate Joint Resolution No. 2—Requesting the President of the United States to direct that Dr. J. J. Kinyoun, United States Quarantine Officer for San Francisco, be relieved from further service on the Pacific Coast.

During reading of joint resolution, the following amendment was submitted by the committee:

Amend by striking out the word "telegraph," in last line, and inserting in lieu thereof the following: "mail."

Amendment adopted.

Joint resolution ordered to print.

Senate Bill No. 87—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 122—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

During the second reading of bill, the following amendment was offered by Senator Taylor:

Strike out, in the enacting clause, the word "the" before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 41—An Act to amend the Civil Code of this State by adding four new sections thereto, to be known as Sections 1314, 1315, 1316, and 1316½, relating to depositing wills with the County Recorder, providing how the same shall be kept by him, how the same shall be delivered, and how the same shall be opened.

During the second reading of bill, the following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the whole of lines four, five, six, seven, and eight, first page, printed bill, and inserting in lieu thereof the following: "1314. The County Treasurer of every county in this state upon being paid a fee of two dollars therefor shall receive and deposit in his office any document purporting to be the last will and testament of any person who shall deliver it to him for that purpose, and the Treasurer shall give a written receipt therefor to such person."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the whole of line thirteen, section three, second page, printed bill, and inserting in lieu thereof the following: "One in said county, then to any judge thereof."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out the whole of lines four to eleven, inclusive, section four, second page, printed bill, and inserting in lieu thereof the following: "1316a. If such will shall have been delivered to the Judge of the Superior Court after the death of the testator, he shall publicly open and examine the same in open court, and shall immediately thereafter file the same in the office of the County Clerk."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by striking out the fraction " $\frac{1}{2}$," in line three of the title of said Act, first page, printed bill.

Amendment adopted.

The following amendments were offered:

By Senator Lukens:

Amend by striking out the words "and one half" on line three, second page, printed bill, and inserting in lieu thereof: "a."

Amendment adopted.

By Senator Davis:

Amend by striking out of line four of the title, printed bill, the word "Recorder," and inserting the word "Treasurer."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., Senator Leavitt moved to adjourn until eleven o'clock A. M. to-morrow.

Motion carried.

Whereupon the President pro tem. declared the Senate adjourned out of respect to the memory of Victoria I, late Queen of Great Britain and Ireland, and Empress of India.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 23, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Tuesday, January 22, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, January 18, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Caldwell was granted a leave of absence for the day, on motion of Senator Belshaw.

Senator Byrnes was granted a leave of absence for the day, on motion of Senator Wolfe.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 3—Relative to charter of the City of Fresno.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Concurrent Resolution No. 3 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 23, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 6—Relative to forest reservation—and report that the same has been correctly enrolled, and presented the same to the Governor on this 23d day of January, 1901, at ten o'clock and forty minutes A. M.

Also: Report that they have examined and compared the following considered engrossed bill: Senate Bill No. 87—An Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Also: Report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison of San Quentin.

Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 593.

NELSON, Chairman.

Senate Bills Nos. 42, 1, and 35 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 23, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 24—An Act granting to the Leland Stanford Junior University corporate powers and privileges—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 24 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 243—An Act to amend Sections 628, 632, and 635 of the Penal Code, and to add thereto a new section, numbered 636, all relating to the preservation of fish—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 203—An Act making an appropriation for the propagation of steelhead trout in Humboldt County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

JOHN G. TYRRELL, Chairman.

Senate Bill No. 243 ordered on file for second reading.

Senate Bill No. 203 referred to Committee on Finance.

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Senate Bill No. 258—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAGGARD, Chairman.

Senate Bill No. 258 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 55—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Also: Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 55 and 259 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 59—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III, of

the Political Code, relating to the school law of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

LARDNER, Chairman.

Senate Bill No. 59 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 23, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 10—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LAIRD, Chairman.

Senate Joint Resolution No. 10 ordered on file.

WITHDRAWAL OF CONCURRENT RESOLUTION.

Senator Nutt asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 6—Approving eleven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1901.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Cutter: Senate Bill No. 329—An Act to amend Sections 1915, 1917, and 1920 of the Civil Code, relating to legal rate of interest. Bill read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 330—An Act to amend Sections 25 and 52 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to powers of Supervisors of counties.

Bill read first time, and referred to Committee on County Governments.

By Senator Selvage: Assembly Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, to reenact Section 3859 of said code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Nutt: Senate Concurrent Resolution No. 8—Approving eleven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1901.

Referred to Committee on Municipal Corporations.

By Senator Leavitt: Senate Bill No. 332—An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Tyrrell of San Francisco: Senate Bill No. 333—An Act

making an appropriation to pay the claim of William Cronan for extra work performed in the construction of the Union Depot and Ferry House at San Francisco.

Bill read first time, and referred to Committee on Finance.

By Senator Oneal: Senate Bill No. 334—An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Davis: Senate Bill No. 335—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Bill read first time, and referred to Committee on Drainage.

By Senator Oneal: Senate Bill No. 336—An Act to amend Article CLXI, Subdivision 15, of the County Government Act.

Bill read first time, and referred to Committee on County Governments.

By Senator Laird: Senate Bill No. 337—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Passed on file.

Senate Bill No. 52—An Act to provide for the payment of the claim of Modoc County for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Laird moved to refer Senate Bill No. 52 to Senator Nutt, as a special committee of one, to amend as follows:

Amend Section 1, line four, after the words "claim of," by inserting the following: "John E. Raker, District Attorney."

Also amend the title of said Act as follows: By inserting the following: "John E. Raker, District Attorney," in line one, after the words "claim of."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 23, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 52—An Act to provide for the payment of the claim of Modoc County for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

NUTT, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

SENATE JOINT RESOLUTION No. 2.

Requesting the President of the United States to direct that Dr. J. J. Kinyoun, United States Quarantine Officer for San Francisco, be relieved from further service on the Pacific Coast.

Resolved by the Senate and Assembly of the State of California, jointly, That, for the reasons contained in the report of Governor Henry T. Gage to the Secretary of State of the United States, in the resolutions unanimously passed by the Republican State Central Committee of California, at a meeting held on the 18th day of June, 1900, a copy of which was forwarded to the Executive at Washington, in the resolutions since adopted by the Chamber of Commerce of San Francisco and other public bodies, and in the universal expression of the press of the State, all of which reasons still exist and, if possible, in greater force, the President of the United States be and he is hereby respectfully but most earnestly requested to direct that Dr. J. J. Kinyoun, United States Quarantine Officer for San Francisco, be relieved from further service on the Pacific Coast.

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit the above resolution to the President of the United States by mail.

Senator Belshaw moved that Senate Joint Resolution No. 2 be referred to Committee on Health to investigate the matter of the existence, past or present, of bubonic plague within this State, to the end that the Senate be more fully advised on this important question, and that the committee be empowered to do all things necessary for a full investigation.

Motion lost.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 2 adopted by the following vote:

AYES—Senators Bettman, Corlett, Curtin, Cutter, Davis, Devlin, Greenwell, Hoey, Laird, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—Senators Ashe, Belshaw, Burnett, Currier, Flint, Goad, Lardner, and Luch-singer—8.

Joint resolution ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Maggard:

Resolved, That Senators Rowell and Laird, of the Committee on Hospitals; Senators Maggard and Pace, of the Committee on Health; Senators Fred M. Smith, Devlin,

and Bettman, of the Committee on Reformatories, and Senator Caldwell of San Bernardino, be and they are hereby granted a leave of absence for one week for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, and the Normal School and Quarantine Station at San Diego, in order that the needs of these various institutions may be thoroughly inquired into and reported in detail to the Senate, and that they be allowed their actual expenses.

Resolution read and adopted.

By Senator Belshaw:

Resolved, That a special committee of seven, consisting of three members from the Committee on Finance and four members from the Committee on Prisons, be empowered to visit and inspect San Quentin and Folsom Prisons, and that they be allowed actual expenses for the trip.

Resolution read and adopted.

ADJOURNMENT.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until eleven o'clock A. M. of Thursday, January 24, 1901.

IN SENATE.

SENATE CHAMBER,
Thursday, January 24, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Rev. A. C. Herrick of Sacramento.

READING OF THE JOURNAL.

The Journal of Wednesday, January 23, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, January 21, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Byrnes was granted a leave of absence for the day, on motion of Senator Wolfe.

PETITION.

The following petition was presented by Senator Laird, and ordered printed in the Journal:

To the HON. J. T. LAIRD, Senator of Second Senatorial District of California :

SIR: The undersigned, who comprise the members of the bar of the County of Shasta, State of California, having a knowledge of the conditions of the litigation and other legal and business matters and transactions of said county, and believing that the salary of the Superior Judge of Shasta County as now fixed by law, both by comparison with the salaries of the Judges of other counties, and in fact, is inadequately compensated, and believing that they fairly represent the interests and wishes of the members of the bar, litigants, business men, taxpayers, and the public at large, hereby respectfully recommend such legislation and amendments of the laws of the State as will increase the present salary of such Judge from the sum of three thousand dollars (\$3,000) to the sum of four thousand dollars (\$4,000) per annum. And in this behalf we call your attention to the great increase in the litigation and other legal business of this county, due to the establishment of large mining and other industries, and to the certainty of future increase in such business by reason of the great development of mining, agricultural, and other industries now in actual progress in said county. We firmly believe that the salary of the Judge should be reasonably proportioned to the duties performed and to be performed by him, and that the proposed raise will be reasonable, just, and equitable in every respect, and will promote justice and the proper administration of law and government.

We also believe that similar conditions prevail in the adjoining County of Siskiyou, and that the salary of the Judge of the last mentioned county should be similarly increased.

We respectfully ask that you take proper steps to secure the proposed legislation.

Respectfully,

AARON BELL.
CHAS. A. GARTER.
CHARLES H. BRAYNARD.
D. G. REID.
F. P. PRIMM.
THOMAS B. DOZIER.
M. P. ROSE.
WALTER E. HERZINGER.
W. D. TILLOTSON.
JAMES E. ISAACS.
GEO. W. BUSH.
EUGENE S. WATSON.
JAMES G. ESTEP.
FRANCIS CARR.
C. M. HEAD.
EDWARD SWEENEY.
W. W. BEDFORD.
T. W. H. SHANAHAN.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 4—Resolution as to making up on the Island of Molokai a leper hospital for the care of all lepers in the United States.

CLIO LLOYD, Chief Clerk.
By H. S. WANZEE, Assistant.

Assembly Joint Resolution No. 4 referred to Committee on Health.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 88—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Also: Assembly Bill No. 25—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Also: Assembly Bill No. 39—An Act to add a new section to the Penal Code, to be numbered 499½, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Also: Assembly Bill No. 95—An Act to amend Section 1107 of the Penal Code, relat-

ing to exceptions that may be taken by the defendant on the trial of an indictment or information.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 88 read first time, and referred to Committee on Prisons.

Assembly Bill No. 25 read first time, and ordered on file without reference to committee.

Assembly Bill No. 39 read first time, and ordered on file without reference to committee.

Assembly Bill No. 95 read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 126—An Act to provide for local improvement upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901."

Also: Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 125—An Act to amend Chapter III of Title II of Part II of the Code of Civil Procedure of the State of California, by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under "The Local Improvement Act of 1901."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Concurrent Resolution No. 8—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

TAYLOR, Chairman.

Senate Bills Nos. 126, 124, 121, 123, and 125 ordered on file for second reading.

Senate Concurrent Resolution No. 8 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following bills, recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of two hundred and eighty-one and thirty-nine one hundredths dollars (\$281.39), in payment of the several bills hereto attached, and the Treasurer is directed to pay the same.

Pacific Postal Telegraph Cable Co. (two items, \$17.73 each)	\$35 46
Hook & Son	51 38
Fred W. Day	5 00
John Breuner Co.	127 20
Pasteur Filter Co.	30 00
Siller Bros.	10 00
Ahl & Daily	7 10
Mrs. Long	15 25

Total \$281 39

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote :

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selva, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed :

Senate Bill No. 122—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Senate Bill No. 41—An Act to amend the Civil Code of this State by adding four new sections thereto, to be known as Sections 1314, 1315, 1316, and 1316½, relating to depositing wills with the County Recorder, providing how the same shall be kept by him, how the same shall be delivered, and how the same shall be opened.

NELSON, Chairman.

Senate Bills Nos. 122 and 41 ordered on file for third reading.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, January 23, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Senate Bill No. 27—An Act to prevent the sale of raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

Also: Senate Bill No. 168—An Act entitled "An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act."

Also: Senate Bill No. 186—An Act to amend an Act entitled "An Act to establish a Board of Parole Commissioners for the parole and government of paroled prisoners," approved March 23, 1893.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BELSHAW, Chairman.

WITHDRAWAL OF BILL.

Senator Cutter asked for unanimous consent to withdraw Senate Bill No. 27—An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production.

Consent granted.

Bill withdrawn and ordered stricken from file.

Senate Bills Nos. 168 and 186 ordered on file for second reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contest of Ben P. Tabor, contestant, vs. W. B. Lardner, contestee, for a seat in the Senate from the

Fifth Senatorial District, beg leave to report that we have had the same under consideration, and after an examination of the testimony we find, and so report to the Senate, that the contestee is now entitled to the office and seat in the Senate, as member of the Senate from the Fifth Senatorial District of the State of California, and we recommend the adoption of the following resolution, to wit:

Resolved, That W. B. Lardner is entitled, and he is hereby declared to be entitled, to the seat and the right to hold office and seat of member of the Senate from, and in and for, the Fifth Senatorial District of the State of California, and that Ben P. Tabor is not entitled to said seat or office.

DEVLIN, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—Senators Ashe, Plunkett, and Sims—3.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 23, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that same do pass as amended.

Also: Senate Bill No. 3—An Act to amend Sections 2, 11, and 13 of an Act entitled "An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and the products of milk drawn from diseased animals; to prevent the spread of infectious diseases common to stock, and to appropriate money therefor," approved March 22, 1899—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Also: Senate Bill No. 206—An Act making an appropriation to pay the claim of A. I. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Also: Senate Bill No. 269—An Act making an appropriation to pay the claims of certain employes of the State Printing Office.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 127—An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner, and to repeal certain former Acts relating to the subject-matter of this Act.

Also: Senate Bill No. 154—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the Attorney-General for the remainder of the fifty-first fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that substitutes do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 175, 3, 37, 206, 269, 127, and 154 ordered on file for second reading.

On motion of Senator Tyrrell of Nevada, substitute for Senate Bill No. 127 was ordered to print.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gates—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 51—An Act to provide for the construction of a State highway or model wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating money, and crushed rock, and granite or stone blocks for drains and culverts, therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Finance Committee without recommendation.

LUCHSINGER, Chairman.

Senate Bill No. 141 ordered on file for second reading.

Senate Bill No. 51 referred to Committee on Finance.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 291—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Also: Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

Also: Senate Bill No. 6—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations—have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 237—An Act to amend Section 2003 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Military Affairs.

Also: Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that the same, as amended, be referred to Committee on Banks and Banking.

DAVIS, Chairman.

Senate Bills Nos. 291, 181, 292, and 6 ordered on file for second reading.

Senate Bill No. 237 referred to Committee on Military Affairs.

Senate Bill No. 215 referred to Committee on Banks and Banking.

ON MINING.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Senate Bill No. 295—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Senate Bill No. 295 ordered on file for second reading.

SUSPENSION OF THE RULES.

Senator Nutt moved that the rules be suspended for the purpose of immediately considering Senate Concurrent Resolution No. 8.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Carrier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Welch—28.

NOES—None.

CONSIDERATION OF CONCURRENT RESOLUTION.

SENATE CONCURRENT RESOLUTION No. 8.

Approving eleven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1901.

WHEREAS, The City of San Diego, in the County of San Diego, State of California, contains a population of over eighteen thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the Constitution, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the second day of March, eighteen hundred and eighty-nine, and approved by the Legislature of the State of California on the sixteenth

day of March, eighteen hundred and eighty-nine (Statutes of 1889, page 643,) which charter has never been amended; and

WHEREAS, The legislative authority of the said City of San Diego did by ordinance numbered eight hundred and thirty-nine of the ordinances of said city, adopted by the Board of Aldermen of said city on the twenty-second day of October, nineteen hundred, and by the Board of Delegates of said city on the twenty-ninth day of October, nineteen hundred, and approved by the Mayor of said city on the thirty-first day of October, nineteen hundred, and pursuant to section eight of article eleven of the Constitution of the State of California, duly proposed to the qualified electors of the said City of San Diego, eleven certain amendments to the charter of the said city, which said eleven amendments were and are in the words and figures following, to wit:

That sub-section fifty-three of section one of chapter two of article two of the said charter of the said City of San Diego, California, be amended so as to read as follows:

53. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or any other great or unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of two thirds of the members of each board, and be approved by the Mayor. Before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within forty years from the time of contracting the same. No such indebtedness shall be incurred without the assent of two thirds of the qualified electors of said city, voting at an election held for that purpose.

That article four of the said charter of the said City of San Diego, California, be and the same is hereby repealed.

That said charter be amended by adding thereto section twenty-six of chapter one of article five, which section shall read as follows:

Section 26. The Board of Public Works shall have full control and management of any system of water-works of which the said City of San Diego may become the owner or acquire the possession thereof by lease, and the collections of the revenues therefrom under such regulations by ordinance as the Common Council may from time to time enact, but the fixing of water rates shall remain with the Common Council. All contracts for work and material shall be made by the said Board of Public Works as herein provided for the letting of contracts for other public work, and all payrolls and all accounts for the same shall first be passed upon by the said Board of Public Works, who shall certify them to the Auditing Committee.

That chapter two of article five of the said charter of the said City of San Diego, California, be and the same is hereby amended to read as follows:

Chapter 2. The mode and manner for the improvement of streets, lanes, alleys, places, or courts in this city, where an assessment is levied for the payment of any part or portion of the expense thereof, shall be as prescribed by the general law of the State of California, relative to the improvement of streets, lanes, alleys, places, or courts in municipalities, in force at the time proceedings are taken for the improvement of the same.

That chapter three of article five of the said charter of the said City of San Diego, California, be and the same is hereby repealed.

That chapter four of article five of the said charter of the said City of San Diego, California, be and the same is hereby amended to read as follows:

Chapter 4. That the mode and manner of laying out, opening, extending, widening, straightening, or closing, in whole or in part, any street, square, lane, alley, court, or place within said city where an assessment is levied upon property for the purpose of paying any part or portion of the expense thereof, shall be in accordance with the provisions of the general laws of the State of California, relative to laying out, opening, extending, widening, straightening, or closing, in whole or in part, any street, square, lane, alley, court, or place within municipalities in force at the time proceedings therefor are taken.

That chapter six of article five of the said charter of the said City of San Diego, California, be and the same is hereby repealed.

That section twelve of chapter two of article six of the said charter of the said City of San Diego, California, be amended so as to read as follows:

Section 12. The Common Council must not for any purpose contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liabilities exceed, in any fiscal year, the income and revenue provided for such year, without the assent of two thirds of the qualified electors of the said city, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness, as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and proceed in accordance with the general law of the State of California in force at the time proceedings are taken for the incurring of such indebtedness, providing how bonded debts may be created. Any indebtedness or liability incurred contrary to this provision shall be void; and all contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this provision shall be absolutely void, and shall never be the foundation or basis of

a claim against the treasury of said city; and all officers of said city are charged with notice of the condition of the city treasury, and extent of the claims against the same.

That section thirteen of chapter two of article six of the said charter of the said City of San Diego, California, be amended so as to read as follows:

Section 13. Whenever the Common Council shall determine that the public interest or necessity demands the acquisition, construction, or completion of any municipal buildings, bridges, sewers, water-works, water rights, reservoir sites, rights of way for pipes, aqueducts, flumes, or other conduits, or any other property or appliances suitable or proper for supplying said city or its inhabitants with water, or other municipal improvements, the cost of which will be too great to be paid out of the ordinary annual income and revenue of said city, the said Common Council may contract bonded indebtedness for said purposes, or any of them, and the proceedings taken for incurring such indebtedness shall be in accordance with the mode and manner prescribed by the provisions of the general laws of the State of California relative to incurring bonded indebtedness by municipalities, in force at the time such proceedings are taken. Said Common Council may also contract bonded indebtedness for any other purpose authorized by this charter or the general law of the State of California; *provided*, that the proceedings taken therefor shall be in accordance with the provisions of the general law in force at the time such proceedings are taken.

That section fifteen of chapter two of article six of the said charter of the said City of San Diego, California, be and the same is hereby repealed.

That article eight of the said charter of the said City of San Diego, California, be and the same is hereby amended to read as follows:

ARTICLE VIII.

SAN DIEGO PUBLIC LIBRARY.

The public library and reading-room shall be governed and controlled by a board of five trustees, who shall be elected in the same manner and at the same time as other city officials are elected, and shall hold office for the term of two years and until their successors are elected and qualified. Said library and reading-room shall be governed and controlled by the provisions of an Act of the Legislature of the State of California, entitled "An Act to establish free public libraries and reading-rooms," approved April twenty-sixth, eighteen hundred and eighty, and the powers and duties of said board of trustees shall be as in said Act prescribed; and

WHEREAS, Said proposed amendments were, and each of them was, published for at least twenty days in the city official newspaper of said city, to wit: "The San Diego Union and Daily Bee," which is a daily newspaper printed and published, and of general circulation, in the said City of San Diego, viz: Commencing on the second day of November, 1900, and ending on the twenty-fourth day of November, 1900; and

WHEREAS, Thereafter the Common Council of said City of San Diego, on the twenty-seventh day of November, 1900, duly adopted Ordinance No. 850 of the ordinances of said city, which ordinance was approved by the Mayor of said city on the twenty-eighth day of November, 1900, and thereby called a special election to be held in said City of San Diego, on the twelfth day of January, 1901 (at least forty days after the publication of said proposals for twenty days in said daily newspaper of general circulation in the said City of San Diego, to wit: "The San Diego Union and Daily Bee"), for the purpose of submitting said proposed amendments to said charter to the electors of said city for their ratification; and

WHEREAS, At said election more than three fifths of the electors voting thereat voted in favor of and to ratify, and did ratify, each and all of said eleven proposed amendments to said charter; and

WHEREAS, The Common Council of said City of San Diego duly canvassed the returns of said special election and duly found, determined, and declared that more than three fifths of such qualified voters voting at said special election had voted for and ratified the said eleven amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein). That the said amendments to the said charter of the said City of San Diego, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole, for and as amendments to the charter of the said City of San Diego.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens,

Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Welch—33.
NOES—None.

Senate Concurrent Resolution No. 8 ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Oneal: Senate Bill No. 338—An Act to repeal Section 13 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Governments.

By Senator Bettman: Senate Bill No. 339—An Act to amend Section 351 of the Civil Code of the State of California, in reference to liens for services, by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw (by request): Senate Bill No. 340—An Act to amend an Act to define the duties of and to license land surveyors, approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument, by a person confined in the State Prison under life sentence, and prescribing the punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ashe: Senate Bill No. 342—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 343—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 344—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the administration of estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 345—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 346—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to public administrators.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith of Los Angeles: Senate Bill No. 347—An Act to amend Section 1543 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the County Superintendent of Schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 348—An Act to provide for the appointment of a Commission to Promote Prison Reform, and to that end to investigate

and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor and secure an option or purchase therefor, and submit sketch plans and specifications for said prison; and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of incorrigibles at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes.

Bill read first time, and referred to Committee on Prisons.

Also: Senate Bill No. 349—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Simpson: Senate Bill No. 350—An Act to create the office of State Dentist for the State Asylums, to prescribe his duties, and provide for the payment thereof.

Bill read first time, and referred to Committee on Prisons.

By Senator Burnett: Senate Bill No. 351—An Act to protect the manufacturing industries of this State.

Bill read first time, and referred to Committee on Manufactures.

By Senator Laird: Senate Bill No. 352—An Act entitled an Act to regulate the sale of wood alcohol in the State of California.

Bill read first time, and referred to Committee on Health.

By Senator Devlin: Senate Bill No. 353—An Act to appropriate the sum of \$1,856.78 to pay the claim of Howard M. Sitton, on bond of the State of California issued under the Act of the Legislature of the State of California, approved April 25, 1857, authorizing the Treasurer of the State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of the State.

Bill read first time, and referred to Committee on Finance.

By Senator Corlett: Senate Bill No. 354—An Act to amend Sections 3571 and 3572 of the Political Code, relating to public lands and funds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nutt: Senate Bill No. 355—An Act providing for the submission and enactment of ordinances by the direct vote of the qualified voters of counties, cities, and towns.

Bill read first time, and referred to Committee on County Governments.

By Senator Cutter: Senate Bill No. 356—An Act making an appropriation to pay the claim of Bateman Bros. for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Bill read first time, and referred to Committee on Finance.

By Senator Lukens: Senate Bill No. 357—An Act to amend Section 4045 of the Political Code of the State of California, relating to the powers of Boards of Supervisors in their respective counties, to impose a license tax, at a rate to be fixed annually by them, upon certain named persons, occupations, and business.

Bill read first time, and referred to Committee on County Governments.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Smith of Kern, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 5—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Also: Assembly Bill No. 56—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Also: Adopted the following:

Assembly Joint Resolution No. 5—Relative to United States geological surveys for irrigation purposes.

Assembly Joint Resolution No. 6—Relative to Government forest reserves.

Assembly Joint Resolution No. 7—Relative to citrus fruit industry and protest against ratification of Jamaica treaty.

Senate Concurrent Resolution No. 4—Approving the charter of the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified voters of said city, at a special election held therein for that purpose, on the 20th day of November, A. D. 1901.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 5 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 56 read first time, and ordered on file without reference to committee.

Assembly Joint Resolution No. 5 referred to Committee on Federal Relations.

Assembly Joint Resolution No. 6 referred to Committee on Forestry and Water Storage.

Senate Concurrent Resolution No. 4 ordered to enrollment.

SUSPENSION OF RULES.

Senator Smith of Los Angeles moved that the rules be suspended for the purpose of immediately considering Assembly Joint Resolution No. 7.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Pace, Selva, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

ASSEMBLY JOINT RESOLUTION No. 7.

Relative to citrus fruit industry and protest against ratification of Jamaica treaty.

WHEREAS, The growing of citrus fruits is the leading industry of Southern California, supporting a population of 300,000 people; and

WHEREAS, There are over 3,000,000 orange and lemon trees in bearing, and the shipments of fruit last year amounted to 17,000 carloads, worth to the grower \$6,000,000; and

WHEREAS, This industry has been built up by thirty years of great labor, patience, and expenditure on what was previously worthless arid land, at a cost of many hundreds of dollars per acre before any profit whatever was derived therefrom; and

WHEREAS, The cost of maintaining a grove (for water, cultivation, destruction of insect pests and fertilization) is great, and the freight on the fruit from California east is very much higher than by steamer from European ports or the West Indies; and

WHEREAS, The citrus fruit industry of California was threatened with disaster until the Dingley tariff bill was passed, which equalized the freight rate by increasing the duty on foreign fruit; and

WHEREAS, A reciprocity treaty with Jamaica, admitting oranges on more favorable terms, would again place our growers at a great and unreasonable disadvantage as compared with their foreign competitors; and

WHEREAS, The citrus products of Jamaica come directly into competition with our holiday trade, the best of the year; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we respectfully and earnestly request your honorable body not to recommend the ratification of the proposed reciprocity treaty with Jamaica now pending before your committee.

Resolved, That a copy of these resolutions be transmitted by mail to the Committee on Foreign Relations of the United States Senate, and to Senators George C. Perkins and Thomas R. Bard at Washington, D. C.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Pace, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

In accordance with the resolution adopted yesterday, the President pro tem. appointed Senators Belshaw, Nutt, Nelson, Plunkett, Smith of Kern, Greenwell, and Tyrrell of Nevada a committee to visit and inspect San Quentin and Folsom Prisons.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The President pro tem. appointed Senators Nutt, Belshaw, and Sims a committee on conference on Joint Rules of the Senate and Assembly.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Davis moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by inserting in Section 3, line twenty-three, second page, printed bill, after the word "alleys," the following: "public mooring places for water craft, public parks, including parks and other places covered by water."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof—with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

WITHDRAWAL OF BILL.

Senator Selvage asked for unanimous consent to withdraw Senate Bill No. 87—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Consent granted.

Bill ordered stricken from the file.

SENATE CONCURRENT RESOLUTION No. 7.

Relative to the consent of the Legislature to absence from the State of State Senator John F. Davis, of the Fourteenth Senatorial District, for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that Senator Hon. John F. Davis, of the Fourteenth Senatorial District, may depart from the State of California at any time during the remainder of his official term as State Senator, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Joint resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—29.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and fifty-five minutes A. M., Senator Leavitt moved that the Senate take a recess until two o'clock P. M.

The question being on the motion to take a recess until two o'clock P. M.

The ayes and noes were demanded by Senators Ashe, Laird, and Curtin.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bettman, Corlett, Currier, Cutter, Davis, Flint, Goad, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senators Ashe, Burnett, Caldwell, Devlin, Greenwell, Hoey, Oneal, and Plunkett—8.

Whereupon the President pro tem. declared the Senate at recess until two o'clock P. M.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—35.

Quorum present.

LEAVE OF ABSENCE.

Senator Tyrrell of Nevada was granted a leave of absence for th day, on motion of Senator Tyrrell of San Francisco.

THIRD-READING OF BILLS—(RESUMED).

SENATE JOINT RESOLUTION No. 10.

Relative to the establishment of a boarding school for Pit River Indians in Modoc County, California.

WHEREAS, The Pit River Indians, with the assistance of the white citizens of Modoc County, California, have forwarded to the Congress of the United States a petition

asking for the establishment of an Indian boarding-school at or near Alturas, California; and

WHEREAS, The Pit River Indians entered into a solemn covenant with General George Crook, about the year eighteen hundred and sixty-five, to remain peaceful, and by said agreement were required to remain within certain territory, namely, Hot Spring and South Fork valleys, and being unfriendly with the tribe known as the Putes, whose territory was and is east of the Warner range of mountains, were by this treaty to refrain from crossing said range and coming in contact with the Putes, who were a more powerful and warlike tribe; and

WHEREAS, The Government has established at Fort Bidwell, in the said county, a boarding-school for Indians within the limits occupied by the Putes, and it being distasteful to the Pit River Indians for the reason of jealousies existing and the domineering spirit of the Putes, but few will attend while there is an existing friction between the children of the two tribes; and

WHEREAS, It is impossible for the Pit River Indians to journey back and forth to the school so situate during the winter months on account of heavy snows in the mountains and passes, and it being some fifty to seventy-five miles distant from their territory; and

WHEREAS, The Pit River Indians have faithfully kept their pledge, and have at all times remained friendly to the white settlers, and during the Modoc war of eighteen hundred and seventy-two and eighteen hundred and seventy-three they rendered such excellent service as guides, friends, and protectors of the whites; and

WHEREAS, The Chief of the Pit River Indians has felt that in consequence of the treaty spoken of, and the friendship so truly preserved and assistance rendered the Government as stated, and as they now having become farmers, laborers, and stock-raisers of this section, they ask that the Government to which they have been so loyal now grant them the advantage of education by establishing a school as requested, so that they may educate their children, now numbering some two hundred and fifty, at such a place as they may desire. Said school to be a boarding-school such as is customary for the Government to establish for this purpose; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators be instructed and our Representatives in Congress be requested to use their best endeavors to secure such legislation and appropriations as will establish the school petitioned for; and be it further

Resolved, That the Secretary of the Senate be instructed to transmit by mail a copy of these resolutions to the Hon. George C. Perkins, Senator, and Hon. J. A. Barham, Congressman, at Washington, D. C., and also that a copy be forwarded to the Hon. Frank L. Coombs, Congressman-elect, at San Francisco, Cal.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—35.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Devlin moved to refer to Senator Davis, as a special committee of one, to amend as follows:

Amend by inserting after the words "shall connect," in line five, the words "or procure another to connect."

Also: Amend by inserting in line eleven, after the word "alter," the words "or who shall procure to be injured or altered."

Also: Amend by inserting after the word "working," in line twelve, the words "or who shall procure the same to be maliciously tampered with and injured."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current, and the injuring of electric wires or appliances, and providing a punishment therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Passed on file.

Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 593.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 35 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers, or material used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Passed on file.

Senate Bill No. 18—An Act to provide for the inspection of illuminating oils, manufactured from petroleum or coal oils.

On motion of Senator Smith of Kern, Senate Bill No. 18 was referred to Committee on Manufactures, but to retain place on file.

Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties, and fixing his compensation.

During the second reading of bill, the following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

Amend Section 2, page two, of the printed bill, by striking out the word "five," in line three, and inserting in lieu thereof the word "two."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend Section 8, page five, line nine, of the printed bill, by striking out the words "and names."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend Section 10, page six, line two, of the printed bill, by striking out all after the word "of," and inserting in lieu thereof the words "two thousand four hundred dollars."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend Section 10, page six, of the printed bill, by striking out of lines four and five the words "twenty-one hundred" and the figures (2100.00), and inserting in lieu thereof the words "fifteen hundred."

Amendment adopted.

COMMITTEE AMENDMENT No. 5.

Amend the title of said Act by adding after the last word therein the words "and providing for the payment thereof."

Amendment adopted.

The following amendment was offered by Senator Curtin:

Amend Section 5, line thirty-six, by inserting after the word "employé" the words "within three months."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 144—An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such divisions.

During the second reading of bill, the following amendments were offered:

By Senator Salvage:

Amend by inserting on line four, Section 24, page seven, after the word "provide," the word "conditioned."

Amendment adopted.

Also:

Amend by adding the words "and such bondsmen shall be jointly and severally liable for the payment of all such labor employed and such material used."

Amendment adopted.

By Senator Smith of Kern:

Amend by striking out the word "its," in line one, Section 21, and inserting in lieu thereof the word "their."

Amendment adopted.

Also:

Insert the following: The words "per annum" after the words "per cent," in line two, Section 22.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court, and their salaries.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly reengrossed: Senate Bill No. 52—An Act to provide for the payment of the claim of John E. Raker, District Attorney of Modoc County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

NELSON, Chairman.

Senate Bill No. 52 ordered on file for passage.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Assembly Bill No. 88—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Assembly Bill No. 88 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 11—Relative to the appointment of United States Senators by each State—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Bill No. 201—An Act to define and establish a portion of the eastern boundary of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LAIRD, Chairman.

Senate Joint Resolution No. 11 ordered on file.

Senate Bill No. 201 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Also: Senate Bill No. 180—An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State.

Also: Senate Bill No. 199—An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ONEAL, Chairman.

Senate Bills Nos. 23, 180, and 199 ordered on file for second reading.

ON COUNTY GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on County Governments, to whom was referred Senate Bill No. 105—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 105 and 170 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

By Senator Luchsinger:

Resolved, That Senators Luchsinger and Sims, of the Committee on Finance, be and they are hereby granted a leave of absence of one week for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, and the Normal School at San Diego, in order that the needs of these various institutions may be thoroughly inquired into; the committee to accompany those already granted leave of absence, and to be allowed actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Senators Smith of Kern, Wolfe, and Nutt.

The roll was called, and the resolution lost by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Cutter, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Simpson, Smith of Kern, Smith of Los Angeles, and Wolfe—23.

NOES—Senators Davis, Flint, Leavitt, Lukens, Selvage, Shortridge, Taylor, Tyrrell of San Francisco, and Welch—9.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Wolfe: Senate Bill No. 358—An Act making an appropriation for a State prize, or trophy, to be competed for at the third National Bund Shooting Festival, which is to be held in Berkeley, County of Alameda, State of California, from July 14 to July 23, 1901.

Bill read first time, and referred to Committee on Finance.

Also: Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Referred to Committee on Constitutional Amendments.

By Senator Devlin: Senate Bill No. 359—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

By Senator Oneal: Senate Bill No. 360—An Act to amend Section 3 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal officers, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hoey (by request): Senate Bill No. 361—An Act to amend Sections 1917, 1918, 1936, 1939, 1962, 1980, 1984, 2009, 2076, 2077, and 2105; to repeal Section 1990, and to add two new sections, to be known and numbered as Sections 1973a, 2106, all of and to the Political Code of the State of California, relating to the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Lukens: Senate Bill No. 362—An Act making an appropriation for the support and maintenance of the University of California, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 363—An Act to repeal an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and all expenses connected therewith," which Act became a law March 7, 1899.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 364—An Act to authorize and direct the transfer from the General Fund to the University Fund of the sum of \$48,758, the balance remaining in the General Fund of the appropriation made by an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith" (which Act became a law without the Governor's approval March 7, 1899), and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

By Senator Corlett: Senate Bill No. 365—An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State.

Bill read first time, and referred to Committee on Finance.

By Senator Flint: Senate Bill No. 366—An Act to authorize suit against the State concerning certain real property, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Finance: Senate Bill No. 367—An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read first time, and ordered on file for second reading.

BILL RECALLED FOR PURPOSE OF AMENDMENT.

On motion of Senator Smith of Kern, Senate Bill No. 144—An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such divisions—was ordered recalled from print for the purpose of amendment.

Senate Bill No. 144—An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such divisions.

The following amendment was offered by Senator Smith of Kern:

Add to Section 27 the words "upon the payment of the debts of the division, or upon the failure of the electors to vote a special tax or taxes in said division for any part of the proposed work, the division shall cease to exist as a division."

Amendment adopted.

Bill re-ordered to print, engrossment, and third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 103—An Act making an appropriation to pay the deficiency for transportation of insane and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 155—An Act making an appropriation to pay the

deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 160—An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 165—An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento.

Bill read second time, considered engrossed, and ordered to third reading.

Senate Bill No. 167—An Act making an appropriation for the erection of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer, and Hon. Dana Perkins, late State Librarian, in the State burial plot at Sacramento.

During the second reading of bill, the following substitute, previously printed, was offered by the committee:

SUBSTITUTE FOR SENATE BILL NO. 167.

An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the State Burying Ground at Sacramento, acting in conjunction with the State Board of Examiners, are hereby authorized to construct in the State burial plot at Sacramento at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer; and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District, suitable monuments or headstones, the kind and quality of which to be established by the said Trustees of the State Burying Ground and said State Board of Examiners.

SEC. 2. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to carry out the provisions of this Act.

SEC. 3. The State Controller is hereby authorized to draw his warrant for the amount herein specified, in favor of whomsoever the State Board of Examiners shall direct, and the State Treasurer is directed to pay the same.

SEC. 4. The moneys herein appropriated shall not be available for the purpose of this Act before the first day of January, nineteen hundred and two.

Substitute read and adopted.

Bill read second time, and ordered to engrossment and third reading.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Senator Laird, the Senate was declared adjourned until ten o'clock A. M. of Friday, January 25, 1901.

IN SENATE.

SENATE CHAMBER,
Friday, January 25, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

LEAVE OF ABSENCE.

Senator Byrnes was granted a leave of absence for the day, on motion of Senator Tyrrell of San Francisco.

Senator Goad was granted a leave of absence until Monday, January 28, 1901, on motion of Senator Corlett.

Senator Lukens was granted a leave of absence for the day, on motion of Senator Taylor.

Senator Tyrrell of Nevada was granted a leave of absence for the day, on motion of Senator Oneal.

Senator Caldwell was granted a leave of absence for the day, on his own motion.

Senator Pace was granted a leave of absence for the day, on motion of Senator Bettman.

Senator Simpson was granted a leave of absence for the day, on his own motion.

READING OF THE JOURNAL.

The Journal of Thursday, January 24, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, January 22, 1901, having been previously read and corrected, was approved.

COMMUNICATION.

The President directed the Secretary to read the following communication, which was ordered printed in the Journal:

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS, }
SAN FRANCISCO, January 23, 1901. }

To HON. JACOB H. NEFF, *President of the Senate*:

DEAR SIR: Your attention is hereby respectfully called to the following resolution (No. 1194) adopted by the Board of Supervisors of the City and County of San Francisco, at a meeting held January 21, 1901:

RESOLUTION No. 1194.

Resolved, That it is the sentiment of this board that horse-racing and pool-selling within the inclosure of a race-track should not be permitted to take place for a longer

period than thirty days in any one county within this State during the period of one year.

Resolved, That the Legislature of the State of California, now in session, be most respectfully and earnestly requested to pass an Act limiting such horse-racing and pool-selling to a period of thirty days in each county within the State during one year.

Resolved, That the clerk of the board furnish copies in due form of the foregoing resolution to the President of the Senate, the Speaker of the Assembly, and the Chairman of the San Francisco Delegation, requesting, in behalf of this board, that they give the matter their earnest attention and hearty support; *provided, however*, that nothing in such general law shall prevent the passage by any city or county, or city and county, of laws or ordinances preventing the selling of pools at all times.

And the Clerk is hereby directed to advertise this resolution in "The Evening Post" newspaper.

In Board of Supervisors, San Francisco, January 21, 1901.

Adopted by the following vote:

Ayes—Supervisors Booth, Brandenstein, Braunhart, Comte, Curtis, D'Ancona, Fontana, Jennings, Reed, Stafford, Tobin, and Wilson.

Noes—Supervisors Connor, Dwyer, and McCarthy.

Absent—Supervisors Boxton, Hotaling, and Sanderson.

JNO. A. RUSSELL, Clerk.

J. E. DONAHUE, Assistant Clerk.

ASSEMBLY MESSAGES.

The following Assembly messages were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Joint Rule 23, and still refuses to concur in Senate amendment thereto, and, in accordance with your request, have appointed Messrs. Broughton, Cowan, and Schillig as a like committee on conference to meet said committee from the Senate.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 8—Relative to approval of certain amendments to the charter of the City of San Diego.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Concurrent Resolution No. 8 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 301—An Act to amend Section 412 of the Penal Code—have had the same under consideration, and respectfully report the same back without recommendation.

SIMPSON, Chairman.

Senate Bills Nos. 267 and 301 ordered on file for second reading.

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Senate Joint Resolution No. 7—A resolution as to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MAGGARD, Chairman

Senate Joint Resolution No. 7 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 1—Proposed amendment to Article XIII of the Constitution, relative to the exemption from taxation of all buildings used solely and exclusively for religious worship, by adding the proviso that the phrase "solely and exclusively for religious worship" shall not be construed to prevent such exemption because of meetings of religious societies, sacred concerts, and entertainments given solely for the benefit of the church being held therein.

Also: Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 7 of Article IX thereof, relating to the creation of the State Board of Education, and defining the duties thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

CALDWELL, Chairman.

Senate Constitutional Amendments Nos. 8, 2, and 1 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 5, have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Joint Resolutions Nos. 3, 4, and 5—Relative to Chinese and Japanese immigration to the United States—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute for all three be adopted.

LAIRD, Chairman.

Senate Concurrent Resolution No. 5 ordered on file.

Senate substitute for Senate Joint Resolutions Nos. 3, 4, and 5 ordered on file.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 216—An Act to amend Section 1895 of the Political Code of the State of California, relating to persons subject to military duty and to those who may constitute military organizations in the service of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Senate Bill No. 216 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined, compared, and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court and their salaries.

Senate Bill No. 103—An Act making an appropriation to pay the deficiency for transportation of insane and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Senate Bill No. 155—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Senate Bill No. 160—An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor.

Senate Bill No. 165—An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento.

NELSON, Chairman.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 240—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ONEAL, Chairman.

Senate Bill No. 240 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Superintendent of State Printing be and he is hereby directed to print for the Senate four hundred (400) copies daily of Senate History, instead of two hundred (200) as ordered January 21, 1901.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Plunkett, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, and Wolfe—23.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 24, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 238—An Act to pay the claim of Thos. J. Walsh, for conveying the election returns of Presidential Electors to Sacramento.

Also: Senate Bill No. 260—An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School of San Diego, and making an appropriation therefor.

Also: Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association, approved March 7, 1883,' providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita."

Also: Senate Bill No. 64—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Also: Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Also: Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Also: Senate Bill No. 38—An Act appropriating money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Also: Senate Bill No. 102—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 268—An Act to make an appropriation to pay the claim of John S. Wilkins, for services rendered the State (Quarantine Office as messenger and clerk therefor during the year 1900 (from January, 1900, to September, 1900, inclusive)—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 194—An Act making an appropriation to pay the deficiency for pay of officers and clerks of the Senate, thirty-third session, fiftieth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

S. C. SMITH, Chairman.

Senate Bills Nos. 238, 260, 14, 64, 161, 118, 38, 102, and 268 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 39—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current and the injuring of electric wires or appliances, and

providing a punishment therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman

Assembly Bill No. 39 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Smith of Kern asked for unanimous consent to withdraw Senate Bill No. 194—An Act making an appropriation to pay the deficiency for pay of officers and clerks of the Senate, thirty-third session, fiftieth fiscal year.

Consent granted.

Bill withdrawn and ordered stricken from file.

REPORT OF SPECIAL COMMITTEE ON TAXATION AND REVENUE.

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

To the Senate of California:

Near the close of the legislative session of 1899 the following resolution was presented and adopted:

Resolved, That the President of this Senate appoint a committee of three Senators to fully investigate the subject of State, county, and municipal taxation and revenue, and report its findings to the session of the Legislature commencing in January, 1901.

The committee, thus created, now beg to make the following report:

Is there a better system of taxation than that now employed in this State?

That is the phase of the subject to which your committee has given its chief attention, and it feels justified in answering the question in the affirmative. The system of laying and gathering taxes in California is that employed in all the States in the Union, and the differences found in the working plans of the several States in the Union are not important. All the States look to an annual tax on fixed, tangible property for their revenues, and in all the States the same infirmities are complained of. From Maine to Texas and from Florida to California there is but one opinion as to the workings of the present system. That is, that it is inequitable, unfair, and positively unjust. Theoretically, all property is called upon to bear a share of the public burdens in exact proportion to its present value. In practice, that end is admittedly not even approached. Scarcely a fractional part of the property in any commonwealth is brought to the tax-rolls. This is especially true of personal property in its most coveted forms—money and credits.

In its report for 1898, the New Hampshire Board of Taxation says: "That whereas in 1881 the tax-rolls in that State showed of 'money on hand at interest and on deposit' the total of \$17,365,505, by 1883 the amount had fallen to \$9,064,008, and by 1898 it had declined to \$4,838,014," and adds:

"These figures tell their own story. Year by year they have grown smaller by degrees and beautifully less. We venture the assertion that not one tenth part of the personal loans made on collateral or mortgage, nor one taxable bond in twenty, comes to the knowledge of the Tax Assessor. To the observant citizen, the immense holdings of these securities, already existing and constantly increasing, are apparent."

In Texas the law defines "money" to include "every deposit which any person owning the same, or holding in trust, and residing in the State, is entitled to withdraw in money on demand." In 1898 a report of the National Banks alone in that State, made fifteen days before the day of assessment, showed \$41,326,715.18 on deposit to the credit of individuals; the Assessors found but \$5,865,036 of money in the entire State.

Controller Roberts of New York says that the assessment of money and credits in that State does not represent two per cent of their value. In California the reports to the Bank Commissioners make the following showing:

Total Paid In.	July 31, 1899.	August 11, 1900.
Capital paid up	\$46,801,318 62	\$46,502,820 83
Reserve and profit and loss	29,123,504 78	33,132,620 15
Due depositors	256,864,395 47	279,838,089 35
Total	\$332,789,218 87	\$359,473,530 33
Deduct for bank premises, other real estate, and loans on real estate	132,303,931 11	130,792,768 40
Balance	\$200,485,287 76	\$228,680,771 93
Total money and solvent credits assessed in the entire State, as of March 1, 1900	43,847,378 00	43,847,378 00

This, of course, tells but a part of the story. There is at all times a considerable amount of money in private safes, and a very large amount of "solvent credits" held by people who are not bankers. These amounts make up a part of the assessed value of "money and solvent credits" noted above, so the proportion of the money in bank which reaches the tax-rolls is even much less than that exhibited by our table. It is much the custom to exonerate bankers for the undervaluations given to the Assessor, and while they are far from patriotic in the discharge of this duty, it is worthy of note that the people had on deposit in the banks over \$200,000,000 more than the total assessment of that class of property.

A plan of assessment, resting upon the solemn oath of the citizen, which fails to reach one fifth of the unquestionable truth is not one to which a Christian people can point with much pride. For moral reasons, if for no other, the present system should be abandoned. And similar conditions exist everywhere. An examination of recent reports from many States shows that the situation in New Hampshire, Texas, and California is the situation in all the States. In his celebrated speech before the Union League (Club of Chicago) on February 22, 1898, Ex-President Harrison said: "For many years an opinion has been prevalent that the great bulk of the personal property of the State, especially of the class denominated 'securities' including stocks, bonds, notes, mortgages, and such like, has escaped taxation. With very few exceptions the great fortunes in this country are invested in such securities. The delinquency appears to be located largely in our great cities. Recent investigations of students of political science, and recent tables proposed by State officials, have disclosed an appalling condition of things. The evil seems to have been progressing until, in some of our great centers of population and wealth, these forms of personal property seem to have been almost eliminated from the tax-list."

What is true of moneys and credits is true in a somewhat less degree as to other kinds of personal property. Whether we will it or not, the country is rapidly approaching "single tax" if the present system of taxation be not abandoned or very radically changed. In this State, in 1900, there was assessed of all kinds of personal property except money and solvent credits—of livestock, machinery, stocks of goods, jewelry, and chattels—but \$184,380,015. This ridiculously small amount would not be important if the apparent undervaluation was uniform on all. But it is not. The small stock of merchandise, the farmer's team and milch cow are seen, counted, and assessed, while the larger possessions of those best able to pay are only guessed at, and the guess is always low enough.

Whatever may be the cause, the present system of taxation is extremely unpopular. Citizens in all stations of life resist the demands of the tax-gatherer with a determination unapproached in any other affair of dollars. This is proven by the extreme rigor of the laws everywhere found necessary to enforce the payment of taxes. One who would propose laws one-hundredth part as drastic for the collection of bills for the food we eat, or the clothing we wear, would be written down as a "hard-hearted Shylock." The penniless tenant cannot at the moment of assessment pay his tithe to the Government, and the law says his rickety furniture shall be immediately exposed to sale. Though sickness, lack of employment, or droughts may prevent the humble homesteader from meeting his dues to his Government promptly, the cold, clammy hand of the tax-lien holds his home in a remorseless grasp, while interest and penalties eat relentlessly at its vitals. It is no apology for the system to say that the Government's agent often refuses to visit the full force of the law on the unfortunate. That only emphasizes the point we make, namely, that the spirit of our laws for the collection of taxes is more inhuman than the average servant charged with the enforcement. Nor does your committee recommend a softening of these laws. Years of experience in all the States have proven that the people will not contribute cash to the support of their Government except under the strongest compulsion. Men cheerfully give their lives and the lives of their favorite sons to the maintenance of their Government, but they will not pay their taxes if they can avoid it.

This consideration alone is sufficient to justify a most serious inquiry as to the cause. Your committee does not believe that the strong resistance to tax-paying is due to a lack of love of country, but rather that it is born of a deep-seated conviction that there are gross inequalities in the division of the Government's burdens.

At this point may we not inquire why governments are maintained? What does the taxpayer receive in return for his contribution? And is that return in proportion to the value of the property which he happens to have at the end or beginning of the year? Your committee think not, but, on the contrary, we beg to submit that the blessings of government flow more nearly in proportion to the volume of business done than in the proportion to the amount of property owned. The citizen who buys and sells millions of property during the year draws more heavily upon the vitality of his government and receives more in the way of protection and assistance than he who merely holds an equal amount of property. But under our present system, the former pays on what he happens to have on hand on a given day—a day announced long in advance, by the way, so he can prepare for its coming—while the latter pays on all he has had during the entire year. One may by trade and traffic make a fortune and the day before the first Monday in March pack his grip and journey into another State, while the modest shopkeeper or farmer, whose transactions have netted but a scanty living, remains to bear the burden of the Government which stood ready to defend and promote the operation of the former.

In view of the admitted inequalities of assessments; in view of the great unpopularity of the present system; in view of the gross injustices inflicted upon a part of the

people, your committee recommends that a radical change be made in the present system of obtaining support for the Government; and that, instead of looking solely to taxes on property, that a large part of the burden be shifted to business.

This is not a new principal in taxation. Something approaching it is found in the license or "occupation taxes" collected in many States, though they are more in the nature of burdens imposed for the privilege of entering or continuing in business than on the business itself. A few States take a percentage of the gross receipts of certain business—as yet applied only to transportation, insurance, and kindred businesses. But the Federal Government is collecting a business tax with great success and with the minimum of dissatisfaction and resistance, notwithstanding the fact that its rates are far from equitable. If one sells land, the Federal Government takes its contribution. The same is true if one leases or mortgages real estate, gives a bill of sale of personal property, negotiates a loan, deals in the stocks of corporations or sends a telegram. The State can and should employ the same method, and by enlarging the scope and graduating the rates, it could secure a very large part, if not all, of the revenue needed for State and county purposes. The payments would be so tritling in themselves that they would not be felt; the flow of money into the treasuries would be gradual but continuous; business would not be embarrassed by a very heavy drain on the cash capital of the State once or twice a year, and, not least of all, the face of the hated tax-gatherer would never be seen.

Some penalties, of course, would have to be provided for the non-payment of these small dues. But if deeds and mortgages were denied recordation; if the doors of the courts were closed to the collection of invoices and notes; and if payment were stopped on checks and drafts till it was shown that the State was settled with, as evidenced by a properly canceled stamp, might we not expect the people to be reasonably prompt in settling their public dues?

The range of taxation should be as wide as possible (omitting all minor transactions) so that the rate would be low. And the rate would be low. Suppose one sells \$100 worth of merchandise or produce. Now a tax of 50 cents on each \$100 will support the State Government, one year with another. But the \$100 engaged in this sale will participate in many other transactions during the year. If there be fifty of them, then a tax of 1 cent on each \$100 transaction would provide all the revenue needed for the State. Such a burden on business would not be onerous and would not be resisted.

Owners of and dealers in real estate would, we are sure, be glad to be freed from the heavy penalties now imposed for an oversight in the payment of taxes, and much expense and annoyance would be saved in keeping land titles clear. Your committee does not believe that at present, nor, indeed, in the immediate future, can all taxes be removed from fixed property, including land. But if it can be largely reduced the cumbrous machinery now found necessary for its collection could be simplified and the penalties reduced proportionately.

This question readily suggests itself: Would not the lender shift the tax on to the borrower? And would not the wholesaler add the tax to the invoice and make the retailer pay it, the latter again charging it over to his customers? Probably they would. Legislation makes but little headway when it attempts to prevent the strong from taking some advantage of the weak. But these matters would, in a measure, equalize themselves. The rich as well as the poor are borrowers in these days; and the man who spends fifty thousand a year on his household would contribute proportionately more to his Government through the medium of the retail trade than he who can barely afford to spend a few hundred. The strong will have many transactions during the year while the weak will have but few.

The present is a propitious time to test a system of business taxes. The war tax has, in a measure, educated the people to the use of stamps, and now very soon that law is to be repealed, thus leaving the field open to the State.

Having had no authority to call for reports from public and private sources, and no funds with which to pay for compiling data on the volume and distribution of business, your committee does not hazard a bill carrying its recommendations into effect. To attempt to lay down the details of the plan proposed would be to take a leap in the dark. We submit the general idea, and ask for the judgment of this honorable body and of the people of the State.

On the gravity of the present situation, and the imperative demand for a radical change in results, we cannot conclude this report more fittingly than by quoting again from the address of General Harrison:

"It is easy to see how this offense against patriotism has grown to such proportions. The very sense that inequality is injustice has promoted it. One man sees that his neighbor is not making a conscientious tax return, and that if he returns his property honestly, he will pay disproportionately. The result is that his conscience finds a salve in the saying, 'Everybody does it.'

"Taxes are debts of the highest obligation, and no casuist can draw a sound moral distinction between the man who hides his property or makes a false return in order to escape the payment of his debt to the State and the man who conceals his property from his private creditors.

"When to this enormous and crying evil is added the corruption which it is alleged has characterized the appraisement of real estate, we have a condition of things with which we dare not palter. We must inaugurate, and at once, a system that shall equalize tax burdens. The men of wealth of our great communities should lead the movement. This great club, organized as a rallying center for loyalty and patriotic

citizenship, should hear a call as loud and imperative as that which came during the years of the Civil War.

"Mr. Lincoln's startling declaration that the country could not continue to exist half slave and half free may be paraphrased to-day by saying that this country cannot continue to exist half taxed and half free.

"This sense of inequality breathes a fierce and unmeasuring anger—creates classes, intensifies social differences, and makes men willing to pay their debt in half dollars. The sacredness of these money obligations, the right of the holder to be paid in money of full value, will be clearer to these angry men if they see that these securities are paying their lawful taxes.

"Where is the moral distinction between the act of putting one's hand in his neighbor's pocket and clandestinely abstracting his pocket-book and the fraudulently shifting of a debt that I owe to another?

"The failures which have accompanied, in an increased ratio, the attempt to collect the personal property tax, have led many tax reformers to favor its total abolition, and the substitution of other forms of taxation. The failure of the wealthy holders of these intangible securities to pay their just proportion of the cost of government has stimulated a demand for special forms of taxation and for progressive taxation, with a view, in some measure, to recoup to the community the losses which are inflicted by evasion or fraudulent tax returns. These efforts should serve as a warning. The people will not consent that this state of things shall be accepted as a permanent condition."

Respectfully submitted.

S. C. SMITH.
F. K. TAYLOR.
JAMES C. SIMS.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

By Senator Smith of Kern: Senate Concurrent Resolution No. 9—Relative to revenue and taxation.

Resolution ordered to print, and referred to Committee on Revenue and Taxation.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of committee on conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: Your Committee on Conference concerning Joint Rule 23 report that we have met a like committee of the Assembly, consisting of Assemblymen Broughton, Cowan, and Schilling, and we report that the conference committee agreed upon and recommend that the following be adopted as Joint Rule No. 23:

23. If the committee on conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members, to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, but such amendments made by such committee shall be attached to the bill.

If the committee on free conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on final free conference.

A committee on final free conference shall consist of six members, to be appointed in the same manner as a committee on free conference.

The committee on final free conference shall have the same powers as the committee on free conference, but the report of such committee on final free conference shall be final, and shall be accepted as such.

NUTT, Chairman.

The question being on the adoption of the report and amendments to the Joint Rules of the Senate and Assembly.

The roll was called, and the report of committee on conference and the amendments to Joint Rules of Senate and Assembly adopted by the following vote:

AYES—Senators Ashe, Belshaw, Currier, Davis, Devlin, Hoey, Lardner, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Kern, and Wolfe—16.

NOES—Senators Bettman, Corlett, Cutter, Flint, Greenwell, Laird, Leavitt, Luchsinger, Maggard, Taylor, and Tyrrell of San Francisco—11.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Nutt: Senate Bill No. 368—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Bill read first time, and referred to Committee on Corporations.

By Senator Caldwell: Senate Bill No. 369—An Act to provide for the location, construction, and maintenance of a State highway commencing at or near the City of San Jacinto, in Riverside County, and running thence to connection with the highway system of San Diego County, by way of the San Jacinto, Cahuilla, and Temecula valleys, and making an appropriation therefor.

Bill read first time, and referred to Committee on Highways.

By Senator Luchsinger: Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 371—An Act making an appropriation of \$750 to pay a deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest.

Bill read first time, and referred to Committee on Finance.

By Senator Curtin: Senate Bill No. 372—An Act appropriating money for the payment of claims against the State, arising in the Counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Bill read first time, and referred to Committee on Finance.

By Senator Maggard: Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage.

Bill read first time, and referred to Committee on Commerce.

Also: Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Bill read first time, and referred to Committee on Agriculture.

By Senator Nelson: Senate Bill No. 375—An Act directing the State Board of Harbor Commissioners to construct a certain portion of the harbor embankment, or seawall, of the Port of San Francisco.

Bill read first time, and referred to Committee on Commerce.

By Senator Flint: Senate Bill No. 376—An Act to remove clouds upon the title to certain lands in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 377—An Act to amend Section 1159 of the Civil Code, relating to notices of location of mining claims. Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 378—An Act fixing and defining a miner's inch of water.

Bill read first time, and referred to Committee on Mining.

By Senator Smith of Los Angeles: Senate Bill No. 379—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor.

Bill read first time, and referred to Committee on Forestry and Water Storage.

By Senator Smith of Kern: Senate Bill No. 380—An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session.

Bill read first time, and referred to Committee on Finance.

By Senator Davis: Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Bill read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Constitutional Amendment No. 10—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary and establishing Courts of Appeal.

Referred to Committee on Constitutional Amendments.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Passed on file.

Senate Bill No. 122—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 122 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Rowell, Selva, Shortridge, Simpson, Sims, Smith of Los Angeles, and Taylor—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 41—An Act to amend the Civil Code of this State by adding four new sections thereto, to be known as Sections 1314, 1315, 1316, and 1316a, relating to depositing wills with the County Treasurer,

providing how the same shall be kept by him, how the same shall be delivered, and how the same shall be opened.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 41 passed by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Nelson, Nutt, Rowell, Selvage, Sims, Taylor, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 52—An Act to provide for the payment of the claim of John E. Raker, District Attorney of Modoc County, for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 52 passed by the following vote:

AYES—Senators Ashe, Burnett, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Nutt, Rowell, Selvage, Shorridge, Sims, Smith of Los Angeles, Taylor, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court and their salaries.

Passed on file.

Senate Bill No. 103—An Act making an appropriation to pay the deficiency for transportation of insane and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 103 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Plunkett, Rowell, Selvage, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 155—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 155 passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 160—An Act to provide for the payment of the claim

of Claus Spreckels against the State of California, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 160 passed by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 165—An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 165 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—25.

NOES—Senators Laird and Shortridge—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers or material used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

During the second reading of bill, the following substitute was offered by Senator Currier:

A PROPOSED ACT

To regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every lot, parcel, or package of commercial fertilizers and materials to be used for manurial purposes (excepting the dung of domestic animals when sold as such) sold, offered, or exposed for sale within this State, shall be accompanied by a plainly printed label stating the name, brand, and trademark under which the fertilizer is sold, the name and address of the manufacturer, importer, or dealer, the place of manufacture, and a chemical analysis stating the percentages claimed to be therein of nitrogen, specifying the form or forms in which it is present of phosphoric acid, available and insoluble, or the total phosphoric acid, if the same is wholly derived from untreated animal bone and of potash soluble in distilled water, and in what combination present. All analyses to be made according to the methods agreed upon by the American association of official agricultural chemists. In the case of those fertilizers which consist of other and cheaper materials, said label shall give a correct general statement of the nature and composition of the fertilizer it accompanies.

SEC. 2. No person shall sell, offer, or expose for sale in this State any pulverized leather, hair, or wool waste, raw, steamed, roasted, or in any form as a fertilizer, or as an ingredient of a fertilizer, or any manure, without an explicit statement of the facts, said statement to be conspicuously affixed to every package of such fertilizer or manure, and to accompany and go with every lot, parcel, or package of the same.

SEC. 3. Every manufacturer of fish, guano, or of fertilizers the principal ingredient of which is fish or fish mash, shall, before offering the same for sale, subject it to treatment, when necessary, with sulphuric acid in such quantities as to arrest decomposition, or to such other treatment as may be approved by the Director of the Agricultural Experiment Station of the University of California, at Berkeley.

SEC. 4. The manufacturer, importer, agent of, or dealer in any commercial fertilizers or materials, or materials used for manurial purposes, the selling price of which to the consumer is eight dollars (\$8.00) or more per ton, shall, before the same is offered for sale,

obtain a certificate of registration from the secretary of the Board of Regents of the University of California, countersigned by the Director of the Agricultural Experiment Station of the said University, authorizing the sale of fertilizers in this State, and shall securely fix to each lot, parcel, or package of fertilizer the word "Registered" with the number of registry. The manufacturer, importer, agent, or dealer obtaining such registry shall pay the said secretary the sum of twenty-five dollars (\$25.00), to be applied as provided in section ten of this Act. Such registration shall expire on the 30th day of June of the fiscal year for which it was given; *provided*, the provisions of this section shall not apply to any agent whose principal shall have obtained a certificate of registration as herein provided.

Sec. 5. The Director of the Agricultural Experiment Station of the University of California, in person or by deputy, is hereby authorized to take a sample, not exceeding two pounds in weight for analysis by the said Director or his deputies from any lot, parcel, or package of fertilizer, or material, or mixture of materials used for manurial purposes which may be in the possession of any manufacturer, importer, agent, or dealer; but said sample shall be drawn in the presence of said party or parties in interest or their representatives. In lots of five tons or less, samples shall be drawn from at least ten packages, or if less than ten packages are present, all shall be sampled. In lots of over five tons, not less than twenty packages shall be sampled. The samples so drawn shall be thoroughly mixed, and from it two equal samples shall be drawn and placed in glass vessels, carefully sealed, and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn, and the time and place of drawing, and said label shall also be signed by the said Director or his deputy making such inspection, and by the party or parties in interest or their representatives, present at the drawing and the sealing of said samples. One of said duplicate samples shall be retained by the parties whose stock was sampled and the other by the Directors of the Agricultural Experiment Station of the University of California.

Sec. 6. The said Director of the Agricultural Experiment Station of the University of California shall make, or cause to be made by his deputy, at least once in each year, analyses, in accordance with the provisions of section one, of samples taken in accordance with the provisions of section five, of at least twelve brands of fertilizers or materials, or mixture of materials used for manurial purposes offered for sale in this State, the selling price of which to the consumer is eight dollars (\$8.00) or more per ton; and said analyses may include such other determinations as said director may at any time deem advisable. Should a dealer or manufacturer have for sale less than twelve different brands of fertilizers or materials, or mixtures of materials used for manurial purposes, then the total number he may be selling shall be analyzed. At the discretion of the Director of the Agricultural Experiment Station a larger number than twelve brands of fertilizers, materials, or mixture of materials used for manurial purposes, of each manufacturer or dealer, may be analyzed. Dealers in or manufacturers of fertilizers must give free access to the Director of the Agricultural Experiment Station, or his duly authorized deputy, to all the materials which they may place on the market for sale in California.

Whenever the analysis certified by the said director shall show a deficiency of not more than one half of one per cent of nitrogen or one per cent of soluble or available phosphoric acid, or one half of one per cent of potash soluble in distilled water, the statement of the manufacturer or importer as required in Section 1 of this Act shall not be deemed to be false in the meaning of this Act.

Provided, That this Act shall not apply to sales of fertilizing materials made to a registered manufacturer of fertilizers, or to sales for export outside of this State.

Provided further, That the said Director of the Agricultural Station of the University of California shall, upon the receipt of the sample of fertilizer, accompanied with a nominal fee of two dollars (\$2.00), furnish to the user of said commercial fertilizer such examination or analysis of the sample as will substantially establish a conformity or non-conformity of the said fertilizer to the guarantee under which it was sold.

Sec. 7. The Director of the Agricultural Station of the University of California shall publish in bulletin form from time to time, at least annually, the results of the analyses hereinbefore provided, with such additional information as circumstances may advise.

Sec. 8. There is hereby appropriated for the use of the Agricultural Station of the University of California, at Berkeley, Alameda County, asset forth in this Act, out of any moneys in the treasury not otherwise appropriated, the sum of one thousand dollars (\$1,000.00), for the equipment of a laboratory with the chemicals and apparatus, and other incidentals necessary to the successful prosecution of the work.

Sec. 9. In order to further provide for the necessary expenses of this work, there shall be paid by the manufacturer, importer, agent, or dealer, twenty-five cents for every ton of fertilizer sold, imported, or used within the State, the selling price of which to the consumer is eight dollars (\$8.00) or more per ton. A statement, sworn to by the manufacturer, importer, agent, or dealer, of such sales shall be rendered quarterly to the secretary of the Board of Regents of the University of California, accompanied by the corresponding amount of the tax as above specified; *provided*, that whenever the manufacturer or importer shall have paid the tax herein required for any person acting as agent or seller for such manufacturer or importer, such agent or seller shall not be required to pay the tax named in this section. On receipt of said tax and a statement, the said secretary shall issue to the manufacturer, importer, agent, or dealer a certificate of compliance with this section.

SEC. 10. All moneys, whether received from registry or analytical fees and taxes, shall be paid to the Director of the Agricultural Experiment Station of the University of California, for the use of said board in carrying out the provisions of this Act.

SEC. 11. Any party selling, offering, or exposing for sale any commercial fertilizer without the statement required by section one of this act, or with a label stating that said fertilizer contains a larger per centage of any one or more of the constituents mentioned in said Act than is actually contained therein, except as provided for in section six, or respecting the sale, disposition, or use of which all the provisions of this Act have not been fully complied with, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined in a sum not less than fifty dollars (\$50.00), and costs of the action for the first offense, and one hundred dollars (\$100.00), and costs of the action for each subsequent offense. Said fines to be paid into the school fund of the county in which conviction is had.

SEC. 12. This Act shall take effect and be in force from and after July 1, 1901.

Substitute read and adopted

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

The bill having been referred to Committee on Manufactures on a previous day, but to retain place on file, not having been reported back, was passed on file.

Senate Bill No. 112—An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such high schools.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out in Section 1 all of the remainder of the section following the word "legal," in line three, page one, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 113—An Act relative to the meeting place of high-school boards within municipal corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 24—An Act granting to the trustees of Leland Stanford Junior University corporate powers and privileges.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 258—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

During the second reading of bill, the following amendment was offered by Senator Cutter:

Amend by striking out of Section 18, line one, the figures "18," and inserting the following: "17."

Also: In Section 9, line one, by striking out the figures "19" and inserting "18."

Amendment adopted.

During the second reading of bill, on motion of Senator Taylor, further consideration was postponed until next legislative day.

Senate Bill No. 243—An Act to amend Sections 628, 632, and 635 of the Penal Code, and to add thereto a new section, numbered 636, all relating to the preservation of fish.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Insert after the word "crab," in line nineteen, page 1, printed bill, the words, "or any

abalone shells or abalone the shell of which shall measure less than fifteen inches around the outer edge of the shell."

Amendment adopted.

AMENDMENT No. 2.

After the word "than," in line thirteen of page two, printed bill, strike out the word "one" and insert the words "one half."

Amendment adopted.

Senator Belshaw moved to amend by inserting an enacting clause:

"The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 59—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III, of the Political Code, relating to the school law of the State of California.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by omitting semicolon in line nine, Section 1, after the word "located," and inserting the following words before the word "he," in line 10: "under the guardianship of the matron of the orphanage," and by adding a semicolon after the word "orphanage."

Amendment adopted.

AMENDMENT No. 2.

Amend by prefixing to the word "he," in line three, Section 1, the following words and figures: "Section 1637," on first page of printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by prefixing to the word "he," in line three, Section 2, the words and figures following: "Section 1638," on first page of printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 55—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Bill read second time, considered engrossed, and ordered to third reading.

Assembly Bill No. 25—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Bill read second time, and ordered to third reading.

Assembly Bill No. 39—An Act to add a new section to the Penal Code, to be numbered 499, relating to the stealing of electric current, and the injuring of electric wires or appliances, and providing a punishment therefor.

On motion of Senator Wolfe, Assembly Bill No. 39 was withdrawn from file and referred to Committee on Judiciary.

Senate Bill No. 126—An Act to provide for local improvements upon

streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901."

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "published," in line twenty-one, Section 6, insert the word "twice."

Amendment adopted.

AMENDMENT No. 2.

Strike out last word "for" in line twenty-three, Section 6.

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "two," in line twenty-four, Section 6, and insert in lieu thereof the word "ten."

Amendment adopted.

AMENDMENT No. 4.

Strike out the words "next preceding," in line twenty-four, Section 6, and insert in lieu thereof the word "before."

Amendment adopted.

AMENDMENT No. 5.

Insert after word "thereto," in line twenty, Section 7, the words "or interest therein."

Amendment adopted.

AMENDMENT No. 6.

After word "sale," in line forty, Section 13, insert "provided the same have not been paid before the expiration of said twelve days."

Amendment adopted.

AMENDMENT No. 7.

Strike out quotation mark in line sixty-seven, Section 18, and insert the words "insert title of."

Amendment adopted.

AMENDMENT No. 8.

Strike out of line five, Section 25, all words after the words "eighty-five," and strike out lines six, seven, eight, and nine, in Section 25, and the words "three and also," in line ten, Section 25, and insert in lieu thereof the words "or amendments thereto, or."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RESOLUTION—(OUT OF ORDER).

By Senator Cutter:

Resolved, That Senator Welch be substituted in place of Senator Devlin as one of the committee to visit the Whittier School, the Normal School at Los Angeles, the State Hospital at Patton, and the Normal School and Quarantine Station at San Diego, and that he be granted leave of absence for one week therefor.

Resolution read and adopted.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 15—An Act providing for the sale of street railroad

and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

Also: Assembly Bill No. 146—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Refused to adopt the report of the conference committee in relation to Joint Rule 23, and thereupon adopted the following resolution, viz:

Resolved, That the present Committee on Conference as to the Joint Rules be discharged, and a committee of free conference be appointed, and the Senate be requested to appoint a like committee.

And pursuant to the above resolution, Assemblymen Brown of San Mateo, Melick, and James were appointed such committee of free conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 15 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 146 read first time, and referred to Committee on Judiciary.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above request, the President pro tem. appointed Senators Leavitt, Cutter, and Greenwell as a committee of free conference.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Belshaw, the Senate was declared adjourned until Monday, January 28, 1901, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, January 28, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

LEAVE OF ABSENCE.

Senator Byrnes was granted a leave of absence for the day, on motion of Senator Wolfe.

Senator Goad was granted a leave of absence for one week, on motion of Senator Cutter.

Senator Curtin was granted a leave of absence for the day, on motion of Senator Cutter.

Senator Sims was granted a leave of absence for the day, on motion of Senator Tyrrell of San Francisco.

READING OF THE JOURNAL.

The Journal of Friday, January 25, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 23, 1901, having been previously read and corrected, was approved.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Leavitt:

To the Honorable the Legislature of California:

HONORABLE SIR: We, the Native Daughters of the Golden West, do most earnestly and respectfully invite your acceptance and favorable consideration of this petition relative to the preservation of the forests of California.

As native daughters, both as an order, through our grand officers, and as individuals (as witness the signatures to our petition), we indorse the work of the Sempervirens Club, and implore your aid to secure the preservation, in the form of a Government park, of the wonderful primeval forest of coast redwood known as the "Big Basin," and its immediate environments, located in the Santa Cruz Mountains; a solid body of magnificent redwood—the oldest specimens of plant life known.

We call upon you, our worthy and trusted representatives, to give your effective aid to this patriotic project, either by appropriating sufficient money from the State Treasury to purchase the land outright, or by instituting condemnation proceedings on the ground of public utility; in brief, to set in motion the machinery of the law immediately to save these forests from destruction.

The welfare of our entire State depends upon the prosperity of each and every section. The "Big Basin" lies in the counties of Santa Cruz and San Mateo. Its destruction means the lessening of the rainfall of Central California, and the loss of the water supply of Santa Cruz, San Mateo, and Santa Clara Counties, and of the City of San Francisco. This would be a public calamity. We pray you to avert it by saving to us, to our beloved California, and to the generations yet to come, this magnificent forest—the growth of many centuries.

For the honor of California, we are

Yours respectfully,

Ema Gett, Grand President; Genevieve Baker, Grand Vice-President; Laura J. Frakes, Grand Secretary; Dora Zmudowski, Grand Treasurer; Harriett Stoddard Lee, Grand Trustee; Mamie A. Ryan, Grand Trustee; Emma G. Foley, Grand Trustee; Stella A. H. Finkeldey, Grand Trustee; Mary J. Langford, Grand Trustee; and 1,000 members of the order.

By Senator Wolfe:

To the Senate and Assembly of the State of California:

GENTLEMEN: Your memorialists, the Mechanics' Institute of San Francisco, a commercial and literary organization organized to promote the commercial interests and to conserve the general material welfare of the mechanical arts, and of the State of California, beg leave to memorialize your honorable bodies, and for cause of petition most respectfully represent:

To the end that there shall be more water available for the irrigation of broader areas of land than is now obtainable through the unrestrained flow of water through the channels of the rivers, and to the end that an increased water supply for mining, agricultural, and mechanical purposes may be created, your petitioner asks at the hands of your honorable bodies consideration of measures which will eventuate in the storage of the flood waters of the State; the preservation of the forests as a means of conserving the rainfall, and as a further means of natural storage.

To this end your memorialists believe that a Board of Water and Forest Commissioners should be created to conduct an investigation on behalf of the State, jointly with the Federal Government; that such commissioners should serve without pay, but that an appropriation for the expenses of the investigation proposed should be made from the treasury of the State.

Your petitioner submits the draft of a bill which it has examined and approved, as a formulation of the policies herein indicated, and as an outline of the purposes of the legislation asked at your hands. The draft is presented, not in the spirit of dictation, but rather of respectful suggestion. The passage of a bill analogous to the one attached hereunto is the prayer of your petitioners, and, as in duty bound, your petitioners will ever pray.

By order of the Board of Directors of the Mechanics' Institute of San Francisco.

RODNEY KENDRICK, Vice-President.
JOS. M. CUMMING, Secretary.

AN ACT

To provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby constituted a Board of Water and Forest Commissioners, composed of three citizens of the State, who shall be appointed by the Governor on or before April 1, 1901. No two of such commissioners shall be a resident of the same county.

SEC. 2. Before entering upon the discharge of the duties of his office, each of said commissioners shall take an oath or affirmation to support the Constitution of the United States and of this State, and to faithfully and honestly discharge his duties as such commissioner, and shall execute and file with the Secretary of State an official bond, with good and sufficient sureties, to be approved by the Governor, in the penal sum of \$20,000, conditional for the faithful performance of his duties under this Act.

SEC. 3. Such commissioners shall receive no salary. They shall have power to employ a secretary at a salary of not exceeding \$100 per month, and shall be allowed a contingent fund of not exceeding \$200 per month to defray office and actual traveling expenses, and shall at the close of their term account to the Governor for all moneys received and disbursed by them. Such commissioners may receive donations to assist them in carrying out the purposes of this Act, accounting as such commissioners for such donations.

SEC. 4. Said commissioners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any department of the Federal Government for the purpose of making topographic surveys and a joint investigation of, and report on, the water resources of the State, the best methods of developing the same, and the best methods of preserving the forests; *provided, however,* that their expenditures for such purposes shall not be in excess of the amounts to be expended by the department of the Federal Government in collaboration with which any specific work is done. They may also in like manner and subject to the same conditions make such experiments for preserving the forests of the State as may seem best to them and to the representatives of the branch of the Federal Government authorized to undertake such experiments.

SEC. 5. In order to carry out the purposes of this Act, any person or persons employed hereunder are authorized to enter and cross all lands within this State, provided in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any such persons.

SEC. 6. The sum of \$107,200 is hereby appropriated as a special fund for the purposes specified in this Act, and the Controller of State is hereby authorized and directed to draw warrants upon such fund from time to time upon the requisition of two of such commissioners, and the State Treasurer is hereby authorized and directed to pay such warrants.

SEC. 7. This Act shall take effect immediately.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 113—An Act relative to the meeting place of high school boards within municipal corporations.

Senate Bill No. 24—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

Senate Bill No. 55—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.
Also (reengrossed): Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Also, found the following bills correctly engrossed:

Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

Senate Bill No. 144—An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such divisions.

Substitute for Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento, of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State, Hon. Levi Rackliffe, late State Treasurer, Hon. Dana Perkins, late State Librarian, Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District.

NELSON, Chairman.

Senate Bills Nos. 36 and 42 ordered on file for passage.

Senate Bills Nos. 135, 144, and 167 ordered on file for second reading.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Free Conference concerning the report of the joint committee on joint rules report that we have met a like committee of the Assembly, consisting of Assemblymen Brown, Melick, and James, and we report that the Free Conference Committee cannot agree.

LEAVITT, Chairman.

MOTION.

Senator Smith of Kern moved that the Committee on Free Conference be discharged, and that a new committee be appointed.

Motion lost.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 11—Relative to what are commonly known as and called the "California War Claims."

Also: Passed Assembly Bill No. 24—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing the proposed constitutional amendments.

Also: Assembly Bill No. 81—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Also: Assembly Bill No. 22—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purpose aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Also: Assembly Bill No. 213—An Act to add a new section to the Penal Code of the State of California, to be known as Section 25, providing for the lease and discharge of persons now confined in or that may hereafter be committed to any penitentiary, prison, jail, house of detention, reform school, or other penal institution by whatever name the same may now or hereafter be known, under conviction for penal offense, on a Monday.

Also: Assembly Bill No. 196—An Act entitled "An Act to amend Sections 4 and 5 of an Act entitled 'An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs,'" approved March 13, 1866.

Also: Assembly Bill No. 254—An Act to promote the apicultural interests of the State of California by providing County Inspectors of Apiaries, and defining their duties and providing for their compensation, and repealing the Act entitled "An Act to authorize the Board of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883.

Also: Assembly Bill No. 47—An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen.

Also: Assembly Bill No. 127—An Act to provide for a lunch hour for laborers in saw-mills, shakemills, shingle-mills, and logging camps.

Also: Assembly Bill No. 44—An Act to amend Sections 2568, 2570, and 2571 of the Political Code, and to repeal Section 2569 of the Political Code, all relating to the Harbor Commissioners for the Port of Eureka, and to add two new sections to the Political Code, to be known as Sections 2569 and 2569½, also relating to the Harbor Commissioners for the Port of Eureka.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Joint Resolution No. 11 referred to Committee on Finance.
Assembly Bill No. 24 read first time, and referred to Committee on Finance.

Assembly Bill No. 81 read first time, and referred to Committee on Finance.

Assembly Bill No. 22 read first time, and referred to Committee on Drainage.

Assembly Bill No. 90 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 213 read first time, and referred to Committee on Prisons.

Assembly Bill No. 196 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 254 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 47 read first time, and referred to Committee on County Governments.

Assembly Bill No. 127 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 44 read first time, and referred to Committee on Commerce.

REPORT OF COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No. 3—Relative to charter of the City of Fresno—and report that the same has been correctly enrolled, and presented the same to the Governor on this 28th day of January, 1901, at eleven o'clock and forty-five minutes A. M.

NELSON, Chairman.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Flint: Senate Bill No. 382—An Act appropriating money for the payment of claims against the State, arising in the counties of Monterey and San Benito, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Bill read first time, and referred to Committee on Finance.

By Senator Muentert: Senate Bill No. 383—An Act making an appro-

priation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, for the purchase of the necessary machinery and equipment, and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 384—An Act making an appropriation of \$8,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 385—An Act making an appropriation of \$15,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital, situated in the City of Stockton.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 386—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of County and Township Governments," approved April 1, 1897, relating to officers of a township.

Bill read first time, and referred to Committee on County Governments.

By Senator Lukens: Senate Bill No. 387—An Act to provide for a segregated hospital building, and for further equipping the Deaf, Dumb, and Blind Asylum at Berkeley.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 388—An Act making an appropriation for the erection of a workshop at the "Industrial Home of Mechanical Trades for the Adult Blind."

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 389—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith of Los Angeles: Senate Bill No. 390—An Act to provide for the location, construction, and maintenance of a State highway, commencing at or near San Fernando and running thence to connect with the road known as the Fort Tejon Road, and making an appropriation therefor.

Bill read first time, and referred to Committee on Highways.

By Senator Davis: Senate Bill No. 391—An Act to amend Section 2527 of the Political Code of the State of California and to validate all contracts for harbor improvements made thereunder.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 392—An Act concerning, confirming and ratifying leases and other contracts made by any officer or boards of officers of this State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 395—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 396 -An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

Bill read first time, and referred to Committee on Judiciary.

By Senator Currier: Senate Bill No. 397—An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Bill read first time, and referred to Committee on County Governments.

By Senator Smith of Kern: Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Nelson: Senate Bill No. 399 -An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State.

Bill read first time, and referred to Committee on Judiciary.

At eleven o'clock and thirty minutes A. M., President pro tem. Flint in the chair.

Also: Senate Bill No. 400—An Act to reduce the expense to the State of California of the transportation of convicted felons, insane persons, and persons committed to the various hospitals, asylums, reformatories and other public institutions of the State of California, and to amend, in that behalf, the Act approved March 15, 1885, entitled "An Act to amend an Act entitled 'An Act to allow compensation to Sheriffs for conveying prisoners to State prisons and insane persons to the insane asylum,'" approved March 14, 1885, and providing for compensation to Sheriffs for service rendered since the 14th day of March, 1885.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 401—An Act amending Section 1521 of the Political Code, relating to the State Board of Education; providing for the appointment of three text-book commissioners; prescribing their duties and fixing their compensation; providing for the publication of a uniform series of text-books; making an appropriation and authorizing the use of money derived from sale of text-books for carrying out the purpose of this Act; repealing Sections 1519, 1663, 1665, 1666, and 1874 of the Political Code.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 402—An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 403—An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 63 and 64, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or

election to a public office, making the same a criminal offense and providing a penalty therefor.

Bill read first time, and referred to Committee on Elections.

By Senator Oneal: Senate Bill No. 404—An Act making an additional appropriation for the support and maintenance of the State Normal School at San José, Santa Clara County, California.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 405—An Act making an appropriation to provide for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Bill read first time, and referred to Committee on Education.

By Senator Davis: Senate Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to Section 3 of Article XV of the Constitution of the State of California, relating to harbor fronts and tidewaters.

Referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Passed on file, and having been passed on file on a previous day, was ordered to foot of file.

Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court, and their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 63 passed by the following vote:

AYES—Senators Belshaw, Burnett, Currier, Cutter, Davis, Devlin, Flint, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Rowell, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 113—An Act relative to the meeting place of high-school boards within municipal corporations.

Passed on file.

Senate Bill No. 24—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 24 passed by the following vote:

AYES—Senators Belshaw, Burnett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, and Tyrrell of San Francisco—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55—An Act authorizing the Attorney-General to

appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Passed on file.

Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Shortridge moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line one, printed bill, the words and figures "three thousand (\$3,000)," and inserting in lieu thereof the following words and figures: "fifteen hundred dollars (\$1,500)."

Amendment adopted.

Also: Amend by inserting the word "State" before the word "Controller," in line one, Section 2, printed bill.

Amendment adopted.

Also: Insert the word "State" before the word "Treasurer," in line two of Section 2 of printed bill.

Amendment adopted.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 25—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Passed on file.

SECOND READING OF BILLS.

Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Passed on file.

Senate Bill No. 258—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Passed on file.

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements and regulating the acquisition, construction, or completion thereof.

Passed on file.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Passed on file.

Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Passed on file.

Senate Bill No. 125—An Act to amend Chapter III of Title II of Part II of the Code of Civil Procedure of the State of California, by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under "The Local Improvement Act of 1901."

Passed on file.

Senate Bill No. 168—An Act entitled "An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Passed on file.

RECESS.

At twelve o'clock and ten minutes P. M. the Senate, on motion of Senator Leavitt, took a recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Corlett, Currier, Davis, Devlin, Flint, Hoey, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

LEAVE OF ABSENCE.

Senator Nutt was granted a leave of absence for the day, on motion of Senator Simpson.

CONSIDERATION OF DAILY FILE—(RESUMED)—SECOND READING OF BILLS.

Senate Bill No. 186—An Act to amend an Act entitled "An Act to establish a Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893.

During the second reading of bill, the following amendments were offered by Senator Devlin:

Amend by striking out the whole of Section 1, and substituting in lieu thereof the following, and numbering the section as "1."

"SECTION 1. The State Board of Prison Directors of this State shall have power to establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned in any State prison, and who may have served one calendar year of the term for which he was convicted, and who has not previously been convicted of a felony and served a term in a penal institution, may be allowed to go upon parole outside of the buildings and enclosures, but to remain while on parole in the legal custody and under the control of the State Board of Prison Directors, and subject at any time to be taken back within the enclosure of said prison; and full power to make and enforce such rules and regulations and retake and imprison any convict so upon parole is hereby conferred upon said Board of Directors, whose written order certified by the President of said Board shall be a sufficient warrant for all officers named therein to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all chiefs of police, marshals of cities and

villages, and sheriffs of counties, and all police, prison, and peace officers and constables, to execute any such order in like manner as ordinary criminal process: *provided, however,* that no prisoner imprisoned under a sentence for life shall be paroled until he shall have served at least seven calendar years. The Governor of the State shall have like power to cancel and revoke the parole of any prisoner, and his written authority shall likewise be sufficient to authorize any of the officers named therein to retake and return said prisoner to the State prison, and his written order, canceling or revoking the parole, shall have the same force and effect and be executed in like manner as the order of the State Board of Prison Directors. If any prisoner so paroled shall leave the State without permission from said board he shall be held as an escaped prisoner and arrested as such."

Amendment adopted.

Also:

Amend Section 1 by striking out the word "two," in line one, and inserting in lieu thereof the word "one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "five hundred," in line three, Section 1, and inserting in lieu thereof the following: "two hundred and fifty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF BILLS—(RESUMED).

On motion of Senator Selvage, Assembly Bill No. 25—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874—temporarily passed on file this day, was taken up for consideration.

Assembly Bill No. 25—An Act to repeal an Act entitled "An Act to declare Lake Earl, in Del Norte County, navigable," approved February 4, 1874.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Selvage moved a call of the Senate.

Motion carried.

Time, two o'clock and thirty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Corlett, Currier, Davis, Devlin, Flint, Hoey, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—20.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and thirty-five minutes P. M., the Sergeant-at-Arms

brought to the bar of the Senate Senators Cutter, Lardner, Lukens, and Greenwell.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty-six minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Simpson.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 25 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentz, Nelson, Oneal, Rowell, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 3—An Act to amend Sections 2, 11, and 13 of an Act entitled "An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and the products of milk drawn from diseased animals; to prevent the spread of infectious diseases common to stock, and to appropriate money therefor," approved March 22, 1899.

During the second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 1 after the word "shall," in line sixteen of the printed bill, and insert in lieu thereof the following: "make the application of diagnostic tests, according to the rules as established or laid down by the Bureau of Animal Industry, United States Department of Agriculture, for the detection of specific diseases; and he shall upon the completion of his inspections immediately notify the State Veterinarian, setting forth the facts in the matter, giving the result of his diagnosis, and forwarding copies of all tests made by himself, and said State Veterinarian shall forthwith act upon said report, as hereinafter provided for in section five of this Act."

Amendment adopted.

By Senator Belshaw:

Amend by striking out all of Section "3," and renumbering Section "4" Section "3."

Amendment adopted.

Also:

Strike out the words "and to appropriate money therefor" in title.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 269—An Act making an appropriation to pay the claims of certain employes of the State Printing Office.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 127—An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such Commissioner, and to repeal certain former Acts relating to the subject-matter of this Act.

During second reading of bill, the following substitute was submitted by the committee:

AN ACT

To appropriate the sum of \$150,000 to be used in the construction of works for the restraining and impounding of débris resulting from mining operations, natural erosions, and other causes, and for the purchase of sites therefor, and to provide for the manner of expending such appropriation.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated out of the General Fund of the treasury of this State not otherwise appropriated the sum of one hundred and fifty thousand dollars to be used in the construction of works for the restraining and impounding of débris resulting from mining operations, natural erosions, and other causes, and for the purchase of sites therefor; said sum to be expended in the manner, and subject to the conditions, set forth in that certain Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, including all amendments to said last named Act; *provided, however,* that said sum of one hundred and fifty thousand dollars shall not become available, nor shall any warrant be drawn against the same, prior to the beginning of the fifty-fourth fiscal year; *and provided further,* that in no event shall said sum of one hundred and fifty thousand dollars, or any part thereof, become available, or any warrant be drawn against the same, until the United States Government shall have appropriated for the purposes above named at least an equal amount, to wit: one hundred and fifty thousand dollars, in addition to any sum or sums heretofore appropriated by the United States Government for such purposes.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 154—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the Attorney-General for the remainder of the fifty-first fiscal year.

During the second reading of bill, the following substitute was submitted by the committee:

AN ACT

Making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-second fiscal year.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of twenty-three thousand two hundred and fifty dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay for all printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-second fiscal year; *provided,* that said appropriation shall be apportioned as follows:

Adjutant-General, one hundred dollars.

Attorney-General, one thousand two hundred dollars.

Agricultural Society, five hundred dollars.
Board of Equalization, six hundred and fifty dollars.
Board of Horticulture, one thousand dollars.
Clerk of Supreme Court, one thousand dollars.
Controller, seven hundred and fifty dollars.
Deaf, Dumb, and Blind Institution, one hundred dollars.
Fish Commissioners, three hundred and fifty dollars.
Harbor Commissioners (San Francisco), five hundred dollars.
Home for Adult Blind, one hundred dollars.
Highway Commissioner, three hundred and fifty dollars.
State Hospital, Agnews, two hundred and fifty dollars.
State Hospital, Mendocino, two hundred and fifty dollars.
State Hospital, Napa, two hundred and fifty dollars.
State Hospital, Southern California, two hundred and fifty dollars.
State Hospital, Stockton, two hundred and fifty dollars.
Home for Feeble-Minded Children, two hundred and fifty dollars.
Insurance Commissioner, three hundred and fifty dollars.
State Librarian, five hundred dollars.
Lunacy Commission, five hundred dollars.
Mining Bureau, one thousand dollars.
State Normal School, Chico, two hundred and fifty dollars.
State Normal School, Los Angeles, two hundred and fifty dollars.
State Normal School, San Diego, two hundred and fifty dollars.
State Normal School, San José, two hundred and fifty dollars.
Preston School, two hundred dollars.
Whittier School, two hundred and fifty dollars.
Folsom Prison, five hundred dollars.
San Quentin Prison, five hundred dollars.
Secretary of State, one thousand dollars.
Superintendent of Public Instruction, five thousand dollars.
Superintendent of State Printing, two hundred and fifty dollars.
Superintendent of State Printing (lithographing), one thousand dollars.
Surveyor-General, three hundred and fifty dollars.
State Treasurer, two hundred and fifty dollars.
University, two thousand five hundred dollars.

SEC. 2. The Controller is hereby authorized to draw his warrant for the amount herein made payable, and the Treasurer directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 291—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Passed on file.

Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property.

Passed on file.

Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

Passed on file.

Senate Bill No. 6—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "or maintenance of public harbors," in line thirteen, first page, printed bill, and inserting in lieu thereof the following: "of property for any other public uses authorized by law."

Amendment adopted.

By Senator Belshaw :

Amend by inserting after the words "by law," in line fourteen, "and the board of trustees cannot agree with the owner thereof as to the price to be paid."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 237—An Act entitled "An Act to amend Section 2003 of the Political Code"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Senate Bill No. 237 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

The following bill was introduced, and referred to committee as indicated:

By Senator Cutter: Senate Bill No. 406—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act."

Bill read first time, and referred to Committee on Agriculture.

ADJOURNMENT.

At three o'clock p. m., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock a. m. of Tuesday, January 29, 1901.

IN SENATE.

SENATE CHAMBER.

Tuesday, January 29, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock a. m.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—29.

Quorum present.

PRAYER.

Prayer by the Rev. Mr. Sherman, of Sacramento.

LEAVE OF ABSENCE.

Senator Nutt was granted a leave of absence for the day, on motion of Senator Leavitt.

Senator Curtin was granted a leave of absence for the day, on motion of Senator Luchsinger.

READING OF THE JOURNAL.

The Journal of Monday, January 28, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 24, 1901, having been previously read and corrected, was approved.

PETITION.

The following petition was presented by Senator Nelson, and ordered printed in the Journal:

SAN FRANCISCO, CAL., January 26, 1901.

To the Honorable Senate and Assembly of the State of California:

GENTLEMEN: The Manufacturers and Producers' Association of California respectfully presents to your honorable bodies the following resolutions, unanimously adopted by its Board of Directors at a meeting held on January 23, 1901:

WHEREAS, There is an urgent necessity for the increase of our shipping facilities in order to accommodate the increasing commerce of San Francisco; and

WHEREAS, The northern end of the San Francisco harbor, with its advantages of deep water and protection from storms, should be immediately improved for the purposes above mentioned; and

WHEREAS, The manufacturers and producers of all parts of the State of California are directly interested in furnishing increased facilities for our shipping; therefore, be it

Resolved, That the Manufacturers and Producers' Association of California most earnestly request the Legislature of the State to forthwith take such measures as may be required for the purpose of building a seawall along the north end of the bay of San Francisco, utilizing for such purpose the material convenient at hand, tunneling through Telegraph Hill, thus making a convenient highway for the moving of merchandise from the north-end wharves to the business parts of the city.

Resolved, That copies of these resolutions be sent to the Senate and Assembly.

Respectfully,

[SEAL.]

A. SBARBORO, President.

CHARLES E. BANCROFT, Secretary.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 7 -Relative to the consent of the Legislature to absence from the State of State Senator John F. Davis, of the Fourteenth Senatorial District, for a period not to exceed six months.

Also, passed the following:

Assembly Bill No. 21—An Act to appropriate the sum of \$455.38 to pay the claims and expenses of certain battalion officers, and officers and men of Companies B and D, Second Infantry Regiment, National Guard of California, for services rendered in defending prisoners from mob in Colusa county jail, in August, 1897.

Assembly Bill No. 240—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Assembly Bill No. 163—An Act making an appropriation to pay the deficiency for transportation of insane and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Assembly Bill No. 137—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Concurrent Resolution No. 7 ordered to enrollment.

Assembly Bill No. 21 read first time, and referred to Committee on Finance.

Assembly Bill No. 240 read first time, and referred to Committee on Health.

Assembly Bill No. 163 read first time, and referred to Committee on Finance.

Assembly Bill No. 137 read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FORESTRY AND WATER STORAGE.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Forestry and Water Storage, to whom was referred Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Assembly Joint Resolution No. 6—Relative to Government forest reserves—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CURRIER, Acting Chairman.

Senate Bill No. 7 ordered on file for second reading.

Assembly Joint Resolution No. 6 ordered on file.

ON MANUFACTURES.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Manufactures, to whom was referred Senate Bill No. 18—An Act to provide for the inspection of illuminating oils, manufactured from petroleum or coal oil—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute do pass.

CORLETT, Chairman.

Senate Bill No. 18 had retained its place on file for second reading.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Joint Resolution No. 10—Relative to passage of the Grout Bill, now pending in the United States Senate—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

Also: Senate Bill No. 145—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Also: Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CURRIER, Chairman.

Assembly Joint Resolution No. 10 ordered on file.

Senate Bills Nos. 145 and 185 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Also: Senate Bill No. 380—An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session.

Also: Assembly Bill No. 81—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 2 and 380 and Assembly Bill No. 81 ordered on file for second reading.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 89—An Act providing for the construction of a State highway, or free wagon road, from Mount Hamilton Observatory, in Santa Clara County, to the San Joaquin River, in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a Board of Commissioners, and authorizing and directing said Board of Commissioners to perform certain duties relating to the construction of such highway, and to condemn land and property for the purpose aforesaid, and making an appropriation for the expenditures and purposes provided in this Act—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute be adopted and referred to Committee on Finance.

Also: Senate Bill No. 289—An Act to amend Section 645 of the Political Code of the State of California, relating to highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUCHSINGER, Chairman.

Senate Bill No. 89 referred to Committee on Finance.

Senate Bill No. 289 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Senate Bill No. 269—An Act making an appropriation to pay the claims of certain employes of the State Printing Office.

Committee Substitute for Senate Bill No. 127—An Act to appropriate the sum of \$150,000 to be used in the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosions, and other causes, and for the purchase of sites therefor, and to provide for the manner of expending such appropriation.

Committee Substitute for Senate Bill No. 154—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State offices, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-second fiscal year.

Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Also, find the following bills correctly engrossed:

Substitute for Senate Bill No. 19—A proposed Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Senate Bill No. 112—An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools.

Senate Bill No. 243—An Act to amend Sections 625, 632, and 635 of the Penal Code, and to add thereto a new section, numbered 636a, all relating to the preservation of fish.

Senate Bill No. 59—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III, of the Political Code, relating to the school law of the State of California.

Senate Bill No. 126—An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the "Local Improvement Act of 1901."

NELSON, Chairman.

On motion of Senator Currier, the substitute for Senate Bill No. 19 was referred to Committee on Finance.

Senate Bills Nos. 112, 243, 59, and 126 ordered on file for third reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Also: Senate Bill No. 134—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUTTER, Acting Chairman.

Senate Bills Nos. 66 and 134 ordered on file for second reading.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 78—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WOLFE, Chairman.

Senate Bills Nos. 215 and 78 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of seven hundred forty-two and thirty-four hundredths dollars (\$742.34), in payment of the several bills hereto attached, and the Treasurer is directed to pay the same.

D. Johnston & Co.....	\$697 50
Pacific Postal Telegraph-Cable Co.....	44 84

\$742 34

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Devlin, Flint, Greenwell, Lardner, Luchsinger, Nelson, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—21.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Taylor: Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Bill read first time, and referred to Committee on Agriculture.

By Senator Devlin: Senate Bill No. 408—An Act to amend an Act

entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Davis: Senate Bill No. 409—An Act to amend Section 963 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 410—An Act to increase the revenue of the State of California by imposing a license tax on the business of selling spirituous, vinous, or malt liquors in the State of California, and providing for the regulation of such business and the collection of such license taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Simpson: Senate Bill No. 411—An Act to amend Section 1460 of the Code of Civil Procedure, relating to embezzlement and surrender of property of the estate.

Bill read first time, and referred to Committee on Judiciary.

At ten o'clock and twenty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 113—An Act relative to the meeting place of high-school boards within municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Plunkett, Rowell, Salvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Senator Leavitt asked for unanimous consent to withdraw Senate Bill No. 55—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Consent granted.

Bill withdrawn, and ordered stricken from file.

Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Passed on file.

Senate Bill No. 269—An Act making an appropriation to pay the claims of certain employes of the State Printing Office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 269 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 127—An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner, and to repeal certain former Acts relating to the subject-matter of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 127 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—28.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 154—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the Attorney-General for the remainder of the fifty-first fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 154 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Nelson, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 141 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Devlin, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Passed on file.

Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current, and the injuring of electric wires or appliances, and providing a punishment therefor.

Bill having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 42 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Devlin, Flint, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

Passed on file.

Senate Bill No. 144—An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such divisions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 144 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Flint, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167—An Act making an appropriation for the erection, in the State burial plot at Sacramento, of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer; and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

The question being on the adoption of the motion for a call of the Senate.

The ayes and noes were demanded by Senators Wolfe, Devlin, and Leavitt.

The roll was called, and the motion carried by the following vote:

AYES—Senators Corlett, Currier, Cutter, Devlin, Flint, Greenwell, Lardner, Leavitt, Lukens, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, and Wolfe—15.

NOES—Senators Ashe, Belshaw, Burnett, Byrnes, Davis, Hoey, Nelson, Oneal, Rowell, and Selvage—10.

Time, eleven o'clock and thirty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, and Wolfe—25.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and thirty-six minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Devlin.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 167 was refused passage by the following vote:

AYES—Senators Corlett, Currier, Cutter, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—16.

NOES—Senators Ashe, Belshaw, Burnett, Byrnes, Davis, Devlin, Hoey, Nelson, Oneal, Rowell, Selvage, and Taylor—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Devlin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 167 was this day refused passage.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Passed on file.

SECOND READING OF BILLS.

Senate Bill No. 18—An Act to provide for the inspection of illuminating oils, manufactured from petroleum or coal oils.

During second reading of bill, the following substitute was submitted by the committee:

AN ACT

To provide for the inspection of illuminating oils, manufactured from petroleum or coal oils.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1 That the Governor shall appoint a suitable person, resident of the State, who is not interested in manufacturing, dealing in, or vending any illuminating oils manufactured from petroleum, as State Inspector of Oils, whose term of office shall be two years from the date of appointment, or until the successor shall be appointed and qualified. It shall be the duty of the Inspector, or his deputies, hereinafter provided for, to examine and test the quality of such oils offered for sale by any manufacturer, vendor, or dealer, and if, upon such testing or examination, the oils shall meet the requirements hereinafter specified, he shall fix the brand or device, viz: "approved," with the date over his official signature, upon the package, barrel, or cask, containing the same. And, to more effectually carry out the provisions of this Act, it shall be lawful for the State Inspector, or his deputies, to enter into or upon the premises of any manufacturer, vendor, or dealer of said oils, and, if they shall find or discover any kerosene oil, or any other product of petroleum that has not been inspected and branded, according to the provisions of this Act, they shall proceed to inspect and brand the same. And it shall be lawful for any manufacturer, vendor, or dealer, to sell the oil so tested and approved as an illuminator; but, if the oil, or product of petroleum, so tested, shall not meet said requirements, he shall mark in plain letters on said barrel, package, or cask, over his official signature, the words: "Rejected for illuminating purposes," and it shall be unlawful for the owner thereof to sell such oil or other product of petroleum, for illuminating purposes, and, if any person shall sell, or offer for sale, such rejected oil, or other product of petroleum, for such purpose, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be subject to a penalty, in the discretion of the court, in any sum not exceeding three hundred dollars.

SEC. 2. The State Inspector, provided for in this Act, is hereby empowered to appoint a number of deputies, not exceeding eight, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the State Inspector; *provided*, that the State Inspector may remove any of the said deputies for reasonable cause. It shall be the duty of the Inspector and his deputies to provide themselves, at their own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and, when called upon for that purpose, to promptly inspect all oils heretofore mentioned, and to reject, for illuminating purposes, all oils which will emit a combustible vapor at the temperature of one hundred and twenty degrees of Fahrenheit's thermometer; *provided*, that the quantity of oil used in the flash test shall not be less than a pint. The test shall be made in a test cup of metal or glass, cylindrical in shape, two and a quarter inches in diameter, and four inches deep, both measurements being made inside the cup, and this cup shall be filled to within one quarter of an inch of the brim with the oil, or other substance, to be tested, taken at the ordinary temperature; the cup shall be placed in a water-bath sufficiently large to leave a clear space of one inch under the cup, and three eighths of an inch around it, and in such manner as to project about one quarter of an inch above the water-bath; the space between the cups and the water-bath shall be nearly filled with cold water taken at the ordinary temperature, and the cup being placed in the water-bath, the latter shall be heated by an alcohol-lamp, with its flame so graduated that the rise in temperature from sixty degrees Fahrenheit to the highest heat test temperature shall not be less than two degrees per minute, and shall be as near two degrees per minute as is practicable, and shall in no case exceed four degrees per minute. A Fahrenheit thermometer shall be suspended in such a manner that the upper surface of its bulb shall be as near as practicable one quarter of an inch below the surface of the oil undergoing test; as soon as the temperature reaches the point of ninety-eight degrees Fahrenheit, the lamp shall be removed from under the water-bath, and the oil shall then be allowed to rise to the temperature of one hundred degrees Fahrenheit, by the residual heat of water, and at that point the first test for flash shall be made as follows: A taper, hereinafter described, shall be lighted, and the surface of the oil shall be touched with the flame of the taper, and it is lawful to apply this flame either to the center of the oil surface, or to any or all parts of it, but the taper itself shall not be plunged into the oil, and if no flash takes place upon the first contact of the flame with the oil, the taper shall not be held in longer contact, but shall be immediately withdrawn; if no flash takes place at the temperature of one hundred degrees Fahrenheit, the lamp shall be replaced under the water-bath, and the temperature raised to one hundred and three degrees, when the lamp shall be again withdrawn, and the oil allowed to rise to one hundred and five degrees, but the residual heat of the water, when the test shall be made at one hundred and five degrees by again applying the flame of the taper as hereinbefore specified; if no flash occurs, the test shall be repeated as often as the oil gains five degrees in temperature, three degrees with the lamp under the water-bath, and two degrees with the lamp removed; these tests shall be repeated until a flash is obtained; the Inspector shall further test the oil by applying the taper at every two degrees rise, without removing the lamp or stirring, but if a flash is obtained by this means by a less rise in temperature than five degrees herein required, he shall at once remove the lamp, stir the oil, and immediately apply the flame; the taper used for testing may be made of any wood giving a clear flame, and it shall be made as slender as possible and with a tip not more than one sixteenth of an inch in thickness; no taper or match with sulphur

upon it shall be used, unless the sulphur is removed before lighting; when the taper is lighted it shall be applied to the oil immediately, that is to say, before an ash or coal has had time to form on the end of the taper beyond the flame, and in applying the taper the flame shall be made to touch the oil, but the taper itself shall not be brought in contact with the oil, and if the taper is so brought in contact with the oil, but not held there longer than for the space of one second, and the oil flashes, the test shall not thereby be vitiated, but the Inspector shall immediately remove the lamp, and again test the oil by the flame without allowing the body of the taper to touch the oil; no oil or other substance, which, by the test herein described, flashes at any temperature below one hundred and twenty degrees Fahrenheit, shall be allowed to be sold, or offered for sale, or consumed for illuminating purposes in this State. It shall be deemed a sufficient compliance with the provisions of this section to test the oil or oils herein described by an apparatus known as the "Foster cup" or Foster's automatic oil tester; and it is lawful to sell, for illuminating purposes, any oil or oils herein described, to be consumed within the State, which bear a flash test of one hundred and twenty degrees Fahrenheit, as shown by said apparatus, and the State Inspector is hereby authorized to substitute the test by the Foster cup or Foster's automatic oil tester, instead of the test by the open cup, as herein provided, if, in his judgment, by such change a greater uniformity of test throughout the State will be secured.

SEC. 3. Every person appointed a State Inspector shall, before he enters upon the discharge of the duties of his office, take an oath or affirmation, prescribed by the Constitution and laws of this State, and shall file the same in the office of the Secretary of State. The State Inspector shall execute a bond to the State of California in the sum of fifteen thousand dollars, and with such sureties as shall be approved by the State Board of Examiners, conditioned for the faithful performance of the duties imposed upon him by this Act; which bond shall be for the use of all persons aggrieved by the act or neglect of such Inspector, and the same shall be filed with the Secretary of State. The Deputy Inspectors shall, before they enter upon the duties of their office, take such oath and file such bond, with like conditions as is required of the State Inspector; such bond to be in such sum as shall be required by the State Inspector, with two sureties, to be approved by the Judge of the Superior Court of the county in which said deputy may be appointed, such oath and bond to be filed in said county. Such deputy shall also forward the County Clerk's certificate of such filing to said State Inspector. Said inspectors shall collect thirteen cents for each barrel, cask, or package, containing not exceeding fifty-five gallons, and at the same proportionate rate for any excess over that quantity so inspected, and he shall pay over to the State Inspector at the commencement of each month all moneys received by him for inspection; and, in case of inspection or branding, said fee shall be a lien on the oil so inspected. It shall also be the duty of every Inspector or Deputy Inspector to keep a true and accurate record of oils so inspected and branded by him, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the number and kinds of barrels, casks, or packages, the name of the person for whom inspected, and the money received for such inspection, and said record shall be open to inspection of all persons interested. It shall also be the duty of every Deputy Inspector, at the commencement of each month, to forward to the State Inspector and State Board of Examiners true duplicate copies of such record for the preceding month. In the month of January in each year the State Inspector shall make and deliver to the Governor and Board of Public Health annual duplicate reports of inspections by himself and deputies during the preceding calendar year. All illuminating oils, manufactured or refined in this State, shall be inspected before being removed from the manufactory or refinery, or if any person or persons, whether manufacturer, vendor, or dealer, shall sell, or attempt to sell, to any persons, in this State, any illuminating oil, whether manufactured in this State or not, before having the same inspected, as provided for in this Act, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding three hundred dollars; and if any manufacturer, vendor, or dealer in either or any of said illuminating oils shall falsely brand the package, cask, or barrel containing the same, as provided in sections one and two of this Act, or shall use packages, cask, or barrels having the Inspector's brands thereon, without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding three hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

SEC. 4. Any person selling or dealing in illuminating oils, produced from petroleum, who shall sell or dispose of any empty kerosene barrel, cask, or package, before thoroughly canceling or effacing the inspection brand on the same, shall be guilty of a misdemeanor, and, on conviction, shall pay a fine of one dollar for each barrel, cask, or package thus sold or disposed of; and any person who shall knowingly use any illuminating oil or products of petroleum for illuminating or heating purposes before the same has been inspected and approved by the State Inspector of Oils or his deputy, shall be guilty of a misdemeanor, and, on conviction, shall pay a fine in any sum not exceeding ten dollars in each case.

SEC. 5. No person shall adulterate with paraffine, or other substance, for the purpose of sale, or for use, any coal or kerosene oil to be used for lights in such manner as to render them dangerous for use, nor shall any persons sell knowingly or offer to sell, or knowingly use such adulterated oil, nor shall any person knowingly sell or offer for sale, or knowingly use any coal or kerosene oil, or any of the products thereof for illuminat-

ing purposes, which by reason of being adulterated, or for any other reason, will emit a combustible vapor at a temperature less than one hundred and twenty degrees of Fahrenheit's thermometer; *provided*, that the quantity used in the test shall not be less than one half pint; *and provided further*, that the gas or vapor from said oils may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in closed reservoirs outside the building illuminated or lighted by said gas. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both such fine and imprisonment, in the discretion of the court; *provided*, that nothing in this Act shall be so construed as to prevent the use in street lamps of lighter products of petroleum, such as gasoline, benzine, benzole, and naphtha; *provided further*, that the provisions of this Act shall not apply to the use of machines or generators constructed on the principle of the "Davy safety lamp."

SEC. 6. The State Inspector shall receive an annual salary of fifteen hundred dollars. He shall be allowed such further sum as he may actually and necessarily expend in traveling expenses and prosecutions incurred in the discharge of his duties. Each Deputy Inspector shall be entitled to a salary payable monthly, the amount of such salary to be determined by the number of casks, barrels and packages actually inspected by such Deputy Inspector during the month, as follows: for each of the first ten, one dollar each; for each of the second ten, seventy-five cents; for each of the third ten, sixty cents; for each of the fourth ten, fifty cents; for each of the fifth ten, forty cents; for each of the sixth ten, thirty cents; for each of the seventh ten, twenty five cents; for each of the eighth ten, twenty cents; for each of the ninth ten, fifteen cents; for each of the tenth ten, ten cents; for each of the second hundred, eight cents; for each of the third hundred, six cents; for each in excess of three hundred, five cents; *provided*, that in no case shall any Deputy Inspector receive more than one hundred dollars per month as such salary. Said Deputy Inspector shall also be entitled to and allowed all actual and necessary expenses for railroad, stage and steamboat fares incurred in the discharge of his duties as such Deputy Inspector. All salaries provided for in this Act shall be retained by the State Inspector out of the money received for inspection of oil, and accounted for and paid out by him as provided for in this Act; *provided*, that in case the amount of money received for the inspections of oils according to the provisions of this Act, shall not be sufficient to pay the compensation and expenses of the Inspector and his deputies, as provided herein, the amount of such deficiency shall be deducted from said salaries *pro rata* to each.

SEC. 7. The State Inspector shall render to the State Board of Examiners, quarterly, a detailed account of all receipts and disbursements of his office, to be audited and allowed by them, if found correct; and, at the end of the year, the remaining surplus, if any, shall be paid into the State treasury.

SEC. 8. It shall be the duty of the State Inspector, or any Deputy Inspector, who shall know of the violation of any of the provisions of this Act, to enter complaint before any court of competent jurisdiction against any person so offending; and, in case the State Inspector, or Deputy Inspector, having knowledge of the violation of the provisions of this Act, shall neglect to enter complaint as required by and provided for in this section, he shall be deemed guilty of a misdemeanor.

SEC. 9. It shall be the duty of all District Attorneys to represent and prosecute, in behalf of the people, within their respective counties, all cases of offenses arising under the provisions of this Act.

SEC. 10. No Inspector, or Deputy Inspector, shall, while in office, traffic directly or indirectly in any article which he is appointed to inspect. For the violation of any of the provisions of this Act he shall be liable to a penalty not to exceed three hundred dollars.

SEC. 11. This Act shall take effect and be in force sixty days after its passage.

Substitute having been previously printed, was read and adopted.

Bill read second time, ordered to engrossment and third reading.

Senate Bill No. 258—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Passed on file.

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements and regulating the acquisition, construction, or completion thereof.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of Section 2, line thirty, the words "to be," and insert in lieu thereof the word "shall."

Amendment adopted.

AMENDMENT No. 2.

Add to line two, Section 5, the words: "a part to be determined by the legislative body of the municipality which shall be."

Amendment adopted.

AMENDMENT No. 3.

Insert at end of Section 3 the following: "*provided, however,* should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the legislative branch of such municipality shall have no power or authority within one year after such election to call or order another election for incurring any indebtedness for improvements substantially the same as voted upon at such prior election, unless a petition signed by a majority of the taxpayers on the latest assessment roll of such municipality be filed with such municipality requesting that such proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition, and to be held in accordance with the provisions of this Act."

Amendment adopted.

By Senator Devlin:

Amend Section 2 by striking out the words in line six, "any municipal improvement including bridges."

Amendment lost.

Also:

Amend Section 2 by striking out in line seven the words "light or power works or plants."

Amendment lost.

Also:

Amend Section 2, lines nine, ten, and eleven by striking out of line nine all after the word "work," all of line ten, and in line eleven the words "of the municipality."

Amendment lost.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until ten o'clock A. M. of Wednesday, January 30, 1901.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 30, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Tuesday, January 29, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, January 25, 1901, having been previously read and corrected, was approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 91—An Act to amend section 579 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 91 read first time, and referred to Committee on Municipal Corporations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Free Conference in relation to Joint Rules, wherein they reported that they were unable to agree and thereupon said committee was discharged and Assemblymen Johnson, Dunlap, and Cowan were appointed as a second Committee on Free Conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred that portion of the Governor's message to the Senate relating to penal institutions and the inmates of the same, have had the same under consideration and in conformity with the suggestion of His Excellency a bill has been introduced which shall make it a crime punishable with death for any life-term convict to feloniously assault another person, and we urgently request its passage.

Also: Senate Bill No. 400—An Act to create the office of State Dentist for the State asylums, to prescribe his duties, and provide for the payment thereof.

Also: Senate Bill No. 418—An Act to provide for the appointment of a Commission to examine Prison Reform, and to treat and to investigate and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor and secure an option of purchase therefor and submit sketch plans and specifications for said prison, and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of the criminals at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 214—An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be committed to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Senate Bills Nos. 350 and 348 and Assembly Bill No. 213 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No. 4—Relative to the proposed charter of the City of Pasadena.

Also: Senate Concurrent Resolution No. 8—Approving eleven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1901.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 29th day of January, 1901, at eleven o'clock and fifty-five minutes A. M.

Also: Have examined and found the following considered engrossed bill correctly engrossed: Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

NELSON, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 204—An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works in the fifty-first fiscal year, and directing from what source such payment shall be made—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 222, 204, and 205 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 279—An Act to amend Section 237 of the Penal Code of California, relating to the punishment for false imprisonment.

Also: Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument by a person confined in the State Prison under life sentence, and prescribing the punishment therefor.

Also: Senate Bill No. 200—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 278—An Act to amend Section 278 of the Penal Code of California, relating to child stealing.

Also: Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

Also: Assembly Bill No. 146—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Senate Bill No. 218—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued from Justices' Courts, and by whom and how such summons may be served.

Also: Senate Bill No. 246—An Act to amend Section 638 of the Civil Code of the State of California.

Also: Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing to, or neglecting to produce for inspection the register of a pawnbroker and others, and specifying the penalty therefor.

Also: Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Also: Senate Bill No. 68—An Act to add a new section to the Penal Code of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk-dealers and persons acting as their agents.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 73—An Act to add a new section to the Penal Code of the State of California, to be known as Section 26a, relating to corporations being capable of committing crime, and specifying the penalty therefor.

Also: Senate Bill No. 72—An Act to amend Section 686 of the Penal Code of the State of California, relating to trials.

Also: Senate Bill No. 74—An Act to amend Section 60 of the Civil Code of the State of California, relating to illegal and void marriages.

Also: Senate Bill No. 75—An Act to amend Section 487 of the Penal Code of the State of California, relating to grand larceny.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Code Revision.

Also: Senate Bill No. 257—An Act to amend Section 207 of the Penal Code, relating to the crime of kidnaping.

Also: Senate Bill No. 256—An Act to amend Section 208 of the Penal Code of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

DAVIS, Chairman.

Senate Bills Nos. 200, 341, 279, 278, 220, 218, 246, 67, and 68, and Assembly Bills Nos. 146 and 90, ordered on file for second reading.

Senate Bills Nos. 73, 72, 74, and 75 referred to Committee on Code Revision.

Senate Bills Nos. 257 and 256 ordered withdrawn.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 91—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and numbered as Section 402½, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette papers or cigarette wrappers within the State of California, and fixing a penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SIMPSON, Chairman.

Senate Bill No. 91 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 85—An Act amending Subdivision 2 of Section 416 of the Political Code, by increasing the fees for filing articles of incorporation, and disposing of the proceeds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 84—An Act levying fees on corporations of other States and of foreign countries, and of giving the proceeds to the University of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 86—An Act placing a fee on granting naturalization, and giving the proceeds to the University of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass as amended.

ONEAL, Chairman

Senate Bills Nos. 85, 84, and 86 ordered on file for second reading.

BILL REFERRED TO COMMITTEE, BUT TO RETAIN PLACE ON FILE.

On motion of Senator Wolfe, Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations—was referred to Committee on Finance, but to retain place on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Belshaw: Senate Joint Resolution No. 13—Relating to the restraint of interstate traffic in convict-made goods.

Referred to Committee on Federal Relations.

By Senator Corlett: Senate Bill No. 412—An Act making an appropriation of money for the purchase of one hundred and sixty acres of additional land for use of the Napa State Hospital at Napa.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 413—An Act making appropriation of money to provide for certain improvements and repairs at the Napa State Hospital at Napa.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 414—An Act appropriating money for the purchase and installation of an elevator for the Napa State Hospital.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections, and the plumbing and connections, of the Napa State Hospital at Napa.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 416—An Act appropriating money for the purchase of a plant for wiring the Napa State Hospital building for electric lights.

Bill read first time, and referred to Committee on Hospitals.

By Senator Tyrrell of Nevada (by request): Senate Bill No. 417—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 418—An Act to amend Sections 3546, 3547, and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muentzer: Senate Bill No. 419—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers, and to the number and compensation of their deputies.

Bill read first time, and referred to Committee on County Governments.

By Senator Belshaw: Senate Bill No. 420—An Act to amend Sections 1, 5, and 6 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 421—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water.

Bill read first time, and referred to Committee on Irrigation.

By Senator Cutter: Senate Bill No. 422—An Act to add a new section

to the Political Code of the State of California, relating to the preservation of public health.

Bill read first time, and referred to Committee on Health.

Also: Senate Bill No. 423—An Act to prevent the introduction, and provide for the suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Bill read first time, and referred to Committee on Health.

Also: Senate Bill No. 424—An Act to amend the Penal Code by adding three new sections thereto, relating to crimes against the public health and safety.

Bill read first time, and referred to Committee on Health.

At ten o'clock and twenty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Passed on file, in absence of author.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Passed on file, and ordered to foot of file.

Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

Passed on file, and ordered to foot of file.

Senate Bill No. 112—An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 112 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Nelson, Oneal, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 243—An Act to amend Sections 628, 632, and 635 of the Penal Code, and to add thereto a new section, numbered 636a, all relating to the preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 243 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Rowell, Selvage, Shortridge, Simpson, Taylor, Tyrrell of Nevada, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59—An Act to amend Sections 1637 and 1638 of

Chapter III, Title III, Part III, of the Political Code, relating to the school law of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Currier, Curtin, Davis, Flint, Greenwell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126—An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901."

Read third time.

On motion of Senator Davis, Senate Bill No. 126 was re-referred to Committee on Judiciary, to retain place on file.

Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Read third time.

Senator Currier moved to refer to Senator Cutter, as a special committee of one, to amend as follows:

By striking out of Section 5, line twenty-three, the word "a," and inserting the word "as."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils—with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Passed on file, and ordered to foot of file.

SECOND READING OF BILLS.

Senate Bill No. 258—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Passed on file, in absence of author.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Smith of Kern asked for and was granted unanimous consent to take up Senate Bill No. 380 for the purpose of immediate consideration.

Senate Bill No. 380—An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 125—An Act to amend Chapter III of Title II of Part II of the Code of Civil Procedure of the State of California by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under "The Local Improvement Act of 1901."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 168—An Act entitled an "Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act."

During the second reading of bill, the following amendments were offered:

By Senator Lardner:

Insert after the word "towns" and before the word "jute," in line eleven, Section 1 of printed bill, the words: "and grout and rough rock for rip-rap work and restraining walls on embankments; also top material and waste for grading purposes in preparing any State quarry for use and development."

Amendment adopted.

Also: Insert after the word "towns" and before the word "to," in line nineteen, Section 1 of printed bill, the words: "and grout and rough rock for rip-rap work and restraining walls on embankments; also top material and waste for grading purposes in preparing any State quarry for use and development."

Amendment adopted.

Also: Amend title by inserting in line seven of title, after the word "towns," and before the word "and," in said line seven, the words: "and grout and rough rock for rip-rap work and restraining walls on embankments; also top material and waste for grading purposes in preparing any State quarry for use and development."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 291—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness and the distribution of their property.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "an," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the word "any."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "of" between the words "assessment and assessments," in line one, Section 9, fifth page, printed bill, and inserting in lieu thereof the word "or."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "the" before the word "Senate," first line of enacting clause.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "actions" in line five, Section 1, first page, printed bill, and inserting in lieu thereof the word "action."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "stipulates," in line eleven, Section 1, first page, printed bill, and inserting in lieu thereof the word "provides."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "section six hundred and seventy-two of" in line twenty-six, Section 1, second page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "or debtors" in line twenty-nine, Section 1, second page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 295—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 56—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 105—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

During the second reading of bill, the following amendment was offered by Senator Smith of Kern:

Amend by striking out of Section 1, line nineteen, the word "of," and inserting the word "after."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

During the second reading of bill, the following amendments were submitted:

By the committee:

AMENDMENT No. 1.

Amend Section 1 by inserting after the word "shall," in line five, printed bill, the words "upon the written petition of a majority of the lawfully registered electors of any such political division, respectively."

Amendment adopted.

AMENDMENT No. 2.

Amend Section 2 by inserting after the word "of," in line nine, page two, printed bill, the words "not more than."

Amendment adopted.

By Senator Davis:

Amend by inserting the following after the title of said Act: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 180—An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State.

During the second reading of bill, the following amendment was offered:

By Senator Nutt:

Amend by inserting the enacting clause: "The People of the State of California, represented in Senate and Assembly, do enact as follows." Also, add the word and figure "Section 2" after line forty-one, page two of printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 199—An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 201—An Act to define and establish a portion of the eastern boundary of the State of California.

During the second reading of bill, the following amendment was offered:

By Senator Davis:

Amend by striking out of Section 1, line seven, the words "government and," and inserting the following: "Coast and geodetic survey."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF BILLS.

Senator Nutt asked for and was granted unanimous consent to take up Senate Bill No. 206, temporarily passed on file, for the purpose of immediate consideration.

Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

Read third time.

Senator Nutt moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

After the word "Wood," in line two, page one, of the printed bill, insert a comma, and strike out after said word "Wood" the balance of said line two, all of lines three and four, up to the word "and," in line five, page one.

Also: After the word "appropriated," in line two of page one, insert the following: "out of any moneys in the State Treasury not otherwise appropriated."

Also: After the word "effect," in line one of Section 2, page one, insert the word "immediately," and a period thereafter, and strike out all of said Section 2, after the said word "effect."

Also: Strike out of the title all after the figures "300," and insert after said "300" a period in lieu of the comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

SECOND READING OF BILLS—(RESUMED).

Senate Joint Resolution No. 11—An Act relative to the appointment of United States Senators by each State.

During the reading of joint resolution, the following amendment was submitted by the committee:

Amend by adding at the end of said resolution: "*Resolved*, That the Secretary of the Senate be and he is hereby directed to cause a certified copy of this resolution to be forwarded by mail to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each of our Senators and Representatives in Congress, at Washington, D. C."

Amendment adopted.

Joint resolution ordered to print, engrossment, and on file.

Assembly Bill No. 88—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by adding after the word "authorized," in line two, the following: "in their discretion," and strike out in line two the words "and directed."

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "at least twenty," in lines three and four.

Amendment adopted.

AMENDMENT No. 3.

Amend the title by striking out the words "at least twenty"; also, by striking out the word "directing," and inserting in lieu thereof the word "authorizing."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 301—An Act to amend Section 412 of the Penal Code.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly reengrossed:

Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Also, the following bills correctly engrossed:

Senate Bill No. 186—An Act to amend an Act entitled "An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893.

Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry.

Senate Bill No. 3—An Act to amend Sections 2, 11, and 13 of an Act entitled "An Act to provide for the inspection of dairies, factories of dairy products and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and the products of milk drawn from diseased animals; to prevent the spread of infectious diseases common to stock," approved March 22, 1899.

Senate Bill No. 6—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations.

NELSON, Chairman.

Senate Bill No. 259 ordered on file for passage.

Senate Bills Nos. 186, 175, 3, and 6 ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Taylor, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1901

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 14—An Act to prevent tampering with animals and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock, dogs, and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Also: Assembly Bill No. 63—An Act making an appropriation for the propagation of steelhead trout in Humboldt County

Also: Assembly Bill No. 259—An Act providing for the payment of certain costs and expenses incurred in the arrest, keeping, examination, and trial of any convict committed to either of the State prisons of the State of California, and of any inmate of the Whittier State School or Preston School of Industry, including the costs of Coroner's inquest held on the body of any person confined in such prisons and schools.

Also: Assembly Bill No. 191—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

Also: Assembly Bill No. 167—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon payment of his fine, and providing for the disposal of the fine paid and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Also: Assembly Bill No. 42—An Act to add a new section to the Political Code, to be known as Section 3655a, providing for the listing and appraisal of property exempt from taxation, and reporting the same to the Legislature.

Also: Assembly Bill No. 54—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded."

Also: Assembly Bill No. 145—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Also: Assembly Bill No. 8—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Also: Assembly Bill No. 187—An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates by providing for annual reasonable expenses, and what proportion is for annual receipts and profits.

Also: Assembly Bill No. 82—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 14 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 63 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 259 read first time, and referred to Committee on Prisons.

Assembly Bill No. 191 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 167 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 42 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 54 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 145 read first time, and referred to Committee on Finance.

Assembly Bill No. 8 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 187 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 82 read first time, and referred to Committee on Labor.

SECOND READING OF BILLS—(RESUMED).

Senate Joint Resolution No. 7—Resolution as to making upon the island of Molokai a leper hospital for the care of all lepers within the United States.

Passed on file.

Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Passed on file.

Senate Constitutional Amendment No. 1—Proposing that Section 1½ of Article XIII of the Constitution, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship,

be amended by adding the proviso that the phrase "solely and exclusively for religious worship" shall not be construed to prevent such exemption because of meetings of religious societies, sacred concerts, and entertainments given solely for the benefit of the church, being held therein.

Passed on file.

Senate Constitutional Amendment No. 2 -To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 7 of Article IX thereof, relating to the creation of the State Board of Education and defining the duties thereof.

Passed on file.

Senate Concurrent Resolution No. 5—Relative to a committee to be appointed for the reception of the President and other officers of the United States Government and the State of Ohio, and the appropriation of money therefor.

During the reading of concurrent resolution, the following amendment was offered by Senator Rowell:

Amend by striking out all after the word "committee," in line four, page two.

Amendment pending.

SPECIAL ORDER SET.

During the discussion of the amendment, on motion of Senator Belshaw, further consideration of Senate Concurrent Resolution No. 5 was made a special order for to-morrow, immediately after reading of the Journal.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Devlin, his motion to reconsider the vote whereby Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer; and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District—was refused passage, was postponed until next legislative day.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Corlett, Carrier, Cutter, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Sims, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—22.

Quorum present.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 216—An Act to amend Section 1895 of the Political Code of the State of California, relating to persons subject to military

duty and to those who may constitute military organizations in the service of the State of California.

During the second reading of bill, the following substitute was submitted by the committee:

AN ACT

To provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any military organization composed of veterans of the Civil War or war with Spain, and having the minimum number required to constitute a company, if, upon the required examination they be found capable of efficient service to the State in the performance of active, garrison, or other military duty, may be organized and mustered into the military service of the State, notwithstanding the members thereof may be over the age of forty-five years; and such companies or organizations when so constituted shall be mustered into, and become a part of, the National Guard of the State, and shall be subject to all the laws regulating and governing the National Guard, except that they shall be deemed and considered independent, unattached, companies, acting under the direct orders of the Commander-in-Chief.

SEC. 2. Such companies shall receive such allowances as may be approved and allowed by the State Board of Military Auditors out of any moneys appropriated for the use of such companies; *provided, however,* that such allowances shall in no case exceed the sum of five hundred dollars for any one of such companies for any one fiscal year.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 240—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 102—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by prefixing to line one, first page, printed bill, the following: "Section 1."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 268—An Act to make an appropriation to pay the claim of John S. Wilkins for services rendered for the State Quarantine Office, as messenger and clerk therefor during the year 1900—from January, 1900, to September, 1900, inclusive.

During the second reading of bill, the following amendment was offered by Senator Rowell:

Amend by striking out the word "four," Section 1, in line one, page one, printed bill, and inserting in lieu thereof the word "two." Also, line two, Section 2, strike out the word "four," and insert in lieu thereof the word "two."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 238—An Act to pay the claim of Thos. J. Walsh for conveying the election returns of Presidential Electors to Sacramento.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 260—An Act to provide for the completion and equip-

ment of the building now being constructed for the use of the State Normal School of San Diego, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act, approved February 28, 1887, entitled "An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883," providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita."

Bill read second time, considered engrossed, and ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 243—An Act to amend Sections 628, 632, and 635 of the Penal Code, and to add thereto a new section numbered 636a, all relating to the preservation of fish—was this day passed.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 64—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 38—An Act appropriating money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "three," in line three, first page, printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Joint Resolution No. 3—Relative to Chinese, and Japanese, and other alien pauper labor immigration into the United States.

Senate Joint Resolution No. 4—Relative to petitioning Congress for the protection of American labor, etc., against Chinese and Japanese competition.

Senate Joint Resolution No. 5—Relative to Chinese, and Japanese, and other alien pauper labor immigration into the United States.

On a previous day, Senate Joint Resolutions Nos. 3, 4, and 5 having been referred to committee, with request that a substitute for the same be submitted, during the reading of the committee substitute, Senator Rowell moved that the substitute be printed, and that the resolutions retain their places on file.

Motion carried.

Assembly Bill No. 39—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current, and the injuring of electric wires or appliances, and providing a punishment therefor.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After word "transmit," line seven, insert a comma.

AMENDMENT No. 2.

After word "use," line ten, insert a comma.

AMENDMENT No. 3.

After word "shall," line eleven, insert a comma.

AMENDMENT No. 4.

After word "intent," line eleven, insert a comma.

AMENDMENT No. 5.

After word "working," line twelve, insert "shall be deemed guilty of a misdemeanor," and strike out remainder of line twelve, and all of lines thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen.

AMENDMENT No. 6.

After the word "connect," in line five, insert "or procure another to connect."

AMENDMENT No. 7.

After the word "alter," line twelve, insert "or who shall procure to be injured or altered."

AMENDMENT No. 8.

After the word "working," line twelve, insert "or who shall procure the same to be maliciously tampered with and injured."

Amendments adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 367—An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 237—An Act entitled an Act to amend Section 2003 of the Political Code.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Joint Resolution No. 6—Relating to Government forest reserves.

During the reading of joint resolution, the following amendment was offered:

By Senator Davis:

Amend by inserting the following at the end of said resolution as printed:

"Resolved, That the Clerk of the Assembly be and he is hereby instructed to mail a copy of this resolution, duly engrossed, to each of our Senators and Representatives in Congress."

Amendment adopted.

Assembly Joint Resolution No. 6 ordered to print, engrossment, and on file.

Assembly Joint Resolution No. 10—Relative to the passage of the Grout bill, now pending in the United States Senate.

During reading of joint resolution, the following amendment was offered:

Amend by adding the word "jointly" after the word "California," in line nine, original bill.

Amendment adopted.

Assembly Joint Resolution No. 10 ordered to print and on file.

Senate Bill No. 145—An Act to prevent tampering with animals and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Passed on file.

Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

At two o'clock and fifty-five minutes p. m., Hon. Frank W. Leavitt, of the Twenty-sixth Senatorial District, in the chair.

Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

During the second reading of bill, the following amendment was offered by Senator Belshaw:

Amend by striking out the word "the" in the enacting clause before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 81—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 289—An Act to declare the Sonora and Big Meadows Wagon Road, commencing at Sonora, in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the title thereof and inserting in lieu thereof the following: "An Act to declare the Sonora and Mono Wagon Road, commencing east of Sonora at a point known as the 'Foot of the Confidence Grade,' in Tuolumne County, and running

thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the whole of Section 1 thereof and inserting in lieu thereof the following: "Section 1. The Sonora and Mono Wagon Road, commencing east of Sonora, and at a point commonly known as the 'Foot of the Confidence Grade,' in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, in this State, is hereby declared a State highway."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 134—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to National Guard.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "National Guard" in title of printed bill, and inserting in lieu thereof the following: "Savings and loan corporations."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 78—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Passed on file.

BILL RE-REFERRED.

On motion of Senator Cutter, Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California—was re-referred to Committee on Finance.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 31, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Wednesday, January 30, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, January 28, 1901, having been previously read and corrected, was approved.

CONSIDERATION OF SPECIAL ORDER.

The hour set for the consideration of the special order, being the consideration of Senate Concurrent Resolution No. 5—Relative to a committee to be appointed for the reception of the President and other officers of the United States Government and the State of Ohio, and the appropriation of money therefor—having arrived, the same was taken up for consideration.

Senate Concurrent Resolution No. 5—Relative to a committee to be appointed for the reception of the President and other officers of the United States Government and the State of Ohio, and the appropriation of money therefor.

During the reading of concurrent resolution on yesterday, the following amendment was offered by Senator Rowell:

Amend by striking out all after the word "committee," in line four, page two.

Amendment pending.

The question being on the adoption of the amendment.

The following amendment to the amendment, as a substitute for Senate Concurrent Resolution No. 5, was offered by Senator Selvage:

Resolved by the Senate, the Assembly concurring, That a committee of twenty members of the Legislature be appointed, such committee to be composed of the President of the Senate, the President pro tempore of the Senate, the Speaker of the Assembly, the Speaker pro tempore of the Assembly, and seven members of the Senate, to be appointed by the presiding officer of the Senate, and nine members of the Assembly, to be appointed by the presiding officer of the Assembly, to act as a committee of arrangements for the reception of the Presidential party at the State Capitol.

Be it further resolved, That the members of the State Legislature of the State of California be and they are hereby constituted a committee of reception of the Presidential party at the State Capitol of the State of California.

Be it further resolved, That the sum of \$1,000 be and the same is hereby appropriated out of the Contingent Fund of the Senate, and the sum of \$1,000 be and the same is hereby appropriated out of the Contingent Fund of the Assembly, for the purpose of defraying the expenses of such reception; such money to be expended by the committee on arrangements, as in its judgment may seem best, for the proper reception of the President and his party.

AMENDMENT WITHDRAWN.

Senator Rowell asked for and was granted unanimous consent to withdraw the above amendment offered by him.

The question being on the adoption of the substitute offered by Senator Selvage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Cutter, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Senate Concurrent Resolution No. 5 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 126—An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 377—An Act to amend Section 1159 of the Civil Code, relating to notices of location of mining claims.

Also: Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally-enfeebled, paralytics, into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Also: Senate Bill No. 70—An Act to amend Section 600 of the Penal Code of California, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Also: Senate Bill No. 244—An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same shall be kept," approved February 9, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 233—An Act to amend Section 14 of the Civil Code, defining the meaning of certain words used in said Code—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Code Revision.

DAVIS, Chairman.

Senate Bills Nos. 126, 377, 370, 70, 244, and 210 ordered on file for second reading.

Senate Bill No. 233 referred to Committee on Code Revision.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill

No. 56—An Act to amend Section 530 of the Political Code, relating to Superintendent of State Printing—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

Also: Senate Bill No. 58—An Act making an appropriation for the purchase of improved machinery for the State Printing Office—have had the same under consideration, and respectfully report the same back without recommendation.

LEAVITT, Chairman.

Senate Bills Nos. 56 and 58 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 403—An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 63 and 61, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or election to a public office, making the same a criminal offense and providing a penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Senate Bill No. 403 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Senate Bill No. 125—An Act to amend Chapter III of Title II of Part II of the Code of Civil Procedure of the State of California by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under the "Local Improvement Act of 1901."

Senate Bill No. 291—An Act to amend Section 1699 of the Code of Civil Procedure, relating to the settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Senate Bill No. 295—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Senate Bill No. 199—An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands.

Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874.

Senate Bill No. 301—An Act to amend Section 412 of the Penal Code.

Senate Bill No. 240—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Senate Bill No. 2—An Act to pay the claim of Thomas J. Walsh for conveying the election returns of Presidential Electors to Sacramento.

Senate Bill No. 30—An Act to provide for the completion and equipment of the building to be constructed for the use of the State Normal School of San Diego, and making an appropriation therefor.

Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita."

Senate Bill No. 64—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Senate Bill No. 367—An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by

an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Senate Bill No. 237—An Act entitled an Act to amend Section 2003 of the Political Code.

Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

Senate Bill No. 380—An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session.

Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Senate Bill No. 134—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

NELSON, Chairman.

ON COUNTY GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on County Governments, to whom was referred Senate Bill No. 147—An Act providing for the appointment and for fixing the bond and compensation and for specifying the duties, powers, and tenure of office of matrons for city and town jails and prisons, where matrons therefor are not otherwise provided for—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 148—An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, said new section to be known as Section 251, and also to amend Section 89 of the above entitled Act—all relating to the subject of matrons for county jails—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 147 and 148 ordered on file for second reading.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 14—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock, dogs, and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CURRIER, Chairman.

Assembly Bill No. 14 ordered on file for second reading

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1817, 1818, 1819, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LARDNER, Chairman.

Senate Bill No. 54 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 4—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein pool-selling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track enclosure, fair grounds, or buildings, wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass as amended.

SIMPSON, Chairman.

Senate Bill No. 4 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 8—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof—respectfully report the same back, and recommend that it do pass as amended.

TAYLOR, Chairman.

Assembly Bill No. 8 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 30, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 358—An Act making an appropriation for a State prize or trophy to be competed for at the Third National Bundes Shooting Festival, which is to be held in Berkeley, County of Alameda, State of California, from July 14 to July 23, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 302—An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 67,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four, now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant.

Also: Senate Bill No. 263—An Act authorizing the Secretary of State to appoint two additional clerks in his office, in addition to the number now allowed by law, fixing the compensation of such clerks, and repealing Section 422 of the Political Code, relating to special clerks in the office of Secretary of State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 195, 358, 302, and 263 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 361—An Act to amend Sections 1917, 1918, 1936, 1939, 1962, 1980, 1984, 2009, 2076, 2077, 2105, to repeal Section 1990, and to add new sections, to be known and numbered as Sections 1973a, 2106, all of and to the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HOEY, Chairman.

Senate Bill No. 361 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Nelson: Senate Bill No. 425—An Act concerning and providing for primary elections, and the time and manner of holding the same, and providing for the election of delegates to conventions of political parties at elections to be known and designated as primary elections, prescribing the qualifications of voters thereat, specifying where and when this Act shall be in force, and the procedure thereunder, and also prescribing penalties for violations thereof, and repealing all Acts inconsistent therewith; also repealing Sections 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380 of the Political Code.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 426—An Act providing for primary elections,

and the time and manner of holding the same, wherever the Act known and designated as "The Primary Law of 1901" is not in force.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 427—An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 428—An Act regulating the use of trade union labels upon printed matter furnished by or for the State of California.

Bill read first time, and referred to Committee on Printing.

Also: Senate Bill No. 429—An Act to define the duties and liabilities, and to limit the powers of employment agents.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Wolfe: Senate Bill No. 430—An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of clerks of said board.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 431—An Act making an appropriation for the payment of salaries of additional clerks in the office of the Secretary of the Board of Examiners for the balance of the fifty-second fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval in March, 1899.

Bill read first time, and referred to Committee on Finance.

By Senator Shortridge: Senate Bill No. 433—An Act adding fifteen new sections to the Political Code, to be numbered, consecutively, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections within counties, and municipal corporations of the first, second, third, fourth, fifth, and sixth classes, and in any consolidated city and county within this State.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Corlett: Senate Bill No. 435—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1596, relating to the furnishing by the Wardens of the State Prisons of the State of California a photograph and a complete description of each convict sixty days before such convict is released from said State prison.

Bill read first time, and referred to Committee on Prisons.

By Senator Davis: Senate Bill No. 436—An Act to amend an Act entitled "An Act authorizing the common council, board of trustees, or governing body of any incorporated city or town other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to

provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Sims: Senate Bill No. 437—An Act to amend Section 3818 of the Political Code, relating to public lands and revenue and taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Senate Bill No. 438—An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tyrrell of San Francisco: Senate Bill No. 439—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Bill No. 440—An Act to provide for the compilation, printing, binding, and publishing of a Legislative Manual and State Blue-Book, or Roster, making a continuous appropriation for same, and repealing conflicting Acts.

Bill read first time, and referred to Committee on Finance.

By Senator Belshaw: Senate Bill No. 441—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 442—An Act to amend Section 1665 of the Code of Civil Procedure of the State of California, relating to the distribution of the residue of the estates of decedents.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 443—An Act to amend Section 1466 of the Code of Civil Procedure of the State of California, relating to the allowance out of the estate of a decedent for the support of the widow and children, or either.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 444—An Act concerning the fees of jurors in civil cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Oneal: Senate Bill No. 445—An Act to amend Section 1970 of the Civil Code of the State of California, in relation to the obligations of employers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 446—An Act to amend Sections 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862 of the Political Code of the State of California, relating to the collection of poll tax.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Cutter: Senate Bill No 447—An Act to divide the State

into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Bill read first time, and referred to Committee on Census and Apportionment.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Devlin, his motion to reconsider the vote whereby Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer; and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District—was on Tuesday, January 29, 1901, refused passage, was postponed until next legislative day.

At ten o'clock and forty-five minutes A. M., Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Passed on file, and ordered to foot of file.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 123 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, and Taylor—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Simpson was granted a leave of absence for the day, on his own motion.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 126—An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as "The Local Improvement Act of 1901."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 126 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Hoey, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of San Francisco—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 121 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Carrier, Curtin, Davis, Flint, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Rowell, Selvage, Shortridge, Sims, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 125—An Act to amend Chapter III of Title II of Part II of the Code of Civil Procedure of the State of California, by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under "The Local Improvement Act of 1901."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 125 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Carrier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Rowell, Selvage, Shortridge, Sims, Taylor, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Nutt was granted a leave of absence for the day, on his own motion.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 291—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Carrier, Curtin, Cutter, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Rowell, Selvage, Shortridge, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 295—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Read third time.

SPECIAL ORDER SET.

Pending roll call on Senate Bill No. 295, on motion of Senator Devlin, further discussion of Senate Bill No. 295 was made special order for Tuesday, February 5, 1901, at eleven o'clock A. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No. 7—Relative to the consent of the Legislature to absence from the State of State Senator John F. Davis, of the Fourteenth Senatorial District, for a period not to exceed six months—and report that the same has been correctly enrolled; and presented the same to the Governor on the 31st day of January, 1901, at ten o'clock and forty-five minutes A.M.

Also: Have found correctly engrossed Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

NELSON, Chairman.

Senate Bill No. 124 ordered on file for third reading.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Wolfe, the following message from the Governor was taken up, read, and ordered printed in the Journal, and referred to Committee on Executive Communications:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 31, 1901. }

To the Senate of the State of California:

I have the honor to represent to your honorable body that upon Sunday, the twenty-seventh day of this month, I received information that the United States Treasury Department had sent to this State a commission of experts to make an *ex parte* investigation into the condition of the public health of our State, and that some of the distinguished members of said commission were already in the city of San Francisco.

Realizing the gravity of an investigation conducted in secret, without any opportunity on the part of the State authorities to examine into the work as it is intended to be conducted by the said commission appointed by the United States Treasury Department, I deemed it of the most immediate importance to inquire of the President the reasons and purpose of this secret commission, and on the 28th instant I transmitted the following telegram to the President of the United States:

"EXECUTIVE DEPARTMENT, }
"SACRAMENTO, CAL., January 28, 1901. }

"*The President, Executive Mansion, Washington, D. C.:*

"I have been informed that Treasury Department has sent a commission of experts to this State to examine the pretended plague cases heretofore reported, as well as present health conditions, which commission is now about to commence investigations, ignoring the State authorities in the matter, and proceeding in line with reports heretofore made by Dr. J. J. Kinyoun to Surgeon-General of Marine Hospital Service.

"I hope that in this matter of vital interest to the people of California there is no intentional discourtesy on the part of officer directed by the Treasury Department to supervise this investigation.

"In this matter, which concerns deeply the welfare of this State, I respectfully request that cooperation with the State authorities by such experts should be advised, in order that the State may select eminent home bacteriologists and physicians as well as, if deemed necessary, bacteriologists and physicians from other States and countries, to examine the same suspected cases, so as to arrive at a correct and impartial conclusion.

"I dislike much now to call your attention to this matter, but the irreparable injury heretofore done to this State by unfair and *ex parte* examinations warrants this appeal.

"Your most obedient, humble servant,

"HENRY T. GAGE, Governor of California."

Yesterday afternoon I received from the Honorable the Secretary of the Treasury the following telegraphic reply:

"WASHINGTON, D. C., January 30, 1901.

"HON. HENRY T. GAGE, Governor, Sacramento, Cal.:

"Replying to your telegram January 29th, addressed to the President, the Commission appointed by this department embraces experts who, by reason of technical knowledge and personal experience with the disease, make it the highest possible authority. They are from great institutions of learning, entirely disconnected with any department of the Government, and are chosen from different sections of the country

wholly on account of their attainments, and have been directed to call upon you for the purpose of paying their respects and acquaint you with their work. In no sense, therefore, is any discourtesy intended, and the Department desires the commission to make these investigations in its own way, unhampered by detailed instructions from the Marine Hospital Service, or any other influence. It is expected to ascertain the facts, and the Department does not feel it should hamper the commission in its method of investigating and getting at the facts. It will be independent of Dr. Kinyoun or any previous reports. Its conclusions are to be based on its own observations, and will be made known to this Department alone, and promptly forwarded to you by the Department.

"L. J. GAGE, Secretary."

From this answer of the Honorable the Secretary of the Treasury, it is apparent that State coöperation is refused, and that the investigation of the commission will be conducted wholly on such lines as will exclude any possible opportunity on the part of the State to either verify or refute any position which may now or hereafter be taken by the said commission or the United States Marine Hospital Service.

Under these circumstances, the State is now forced to rely upon an investigation pursued by a commission which it has neither invited to its territory nor in the selection of whose personnel it has had any voice.

The previous inaccurate reports respecting the existence of bubonic plague in this State, which have resulted in the injury to the reputation for health of this State, as well as in injury to its citizens, industries, and commerce, have been the consequence of a system of *ex parte* investigation, without opportunity of State examination or superintendence.

The repetition of such investigations upon secret lines, without public scrutiny under State authority, as have been heretofore pursued, will imperil the welfare of every citizen and inhabitant of the State, and will bring distress to the farmer, orchardist, horticulturist, manufacturer, tradesman, merchant, as well as to all our marine and land transportation companies.

The meanest criminal under the Constitution of the United States can not be denied the right of being confronted by his accusers, listening to their testimony, and subjecting them to cross-examination; and shall it be contended that the great State of California shall be unjustly denied a similar privilege in the opportunity of facing those who, impugning the public health, as the result of a secret and one-sided examination, might choose to cast an irremovable blemish upon the State's sanitary condition, on which the personal rights and property of her citizens in a large measure depend?

The State being denied a hearing, I conscientiously believe, therefore, that legislation is immediately and urgently needed by which our State may assume that general and unrestrained control over the subject of the public health within its borders which so vitally concerns her, and which is her inalienable right by virtue of her sovereignty.

Impelled by the sense of public duty, in view of this exceedingly grave situation, I rely upon the discretion of your honorable body to take such appropriate action in the premises as may be deemed advisable.

HENRY T. GAGE,
Governor of the State of California.

THIRD READING OF BILLS—(RESUMED).

Senator Smith of Kern asked for and was granted unanimous consent to take up Senate Bill No. 380, for the purpose of immediate consideration.

Senate Bill No. 380—An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 380 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Rowell, Selvaige, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 56—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 56 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Rowell, Selvage, Smith of Kern, Taylor, and Tyrrell of San Francisco—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Read third time.

RECESS.

Pending the roll call on Senate Bill No. 23, the hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Corlett, Cutter, Davis, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, and Wolfe—21.

Quorum present.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Bill having been read third time on this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23 passed by the following vote:

AYES—Senators Belshaw, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Plunkett, Selvage, Shortridge, Sims, Taylor, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 1, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—30.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

LEAVE OF ABSENCE.

Senator Tyrrell of Nevada was granted a leave of absence until Monday, February 4, 1901, on motion of Senator Tyrrell of San Francisco.

READING OF THE JOURNAL.

The Journal of Thursday, January 31, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, January 29, 1901, having been previously read and corrected, was approved.

COMMUNICATION.

The following communication, received by the Secretary of the Senate, was ordered printed in the Journal:

SAN FRANCISCO, January 30, 1901.

FRANK J. BRANDON, ESQ., *Secretary of the Senate, Sacramento, California:*

DEAR SIR: I have been directed to transmit to you the enclosed copies of resolutions adopted at an assemblage of representative citizens of the City and County of San Francisco, and ministers of the gospel of said city and county, held on Tuesday evening, January 29, 1901, for the purpose of discussing horse-racing and pool-selling in and about the City and County of San Francisco and vicinity.

Very respectfully,

JOHN E. BEHAN,
Clerk of the Assemblage of Citizens, etc.

Copy of resolutions adopted at an assemblage of representative citizens and ministers of the gospel of the City and County of San Francisco, Tuesday evening, January 29, 1901:

WHEREAS, Pursuant to call of His Honor Mayor James D. Phelan, representative citizens and ministers of the gospel of the City and County of San Francisco assembled together in mass meeting on Tuesday evening, January 29, 1901, at the chambers of the Board of Supervisors of said city and county, for the purpose of discussing the question of horse-racing and pool-selling in and about the City and County of San Francisco and vicinity; and

WHEREAS, After mature deliberation and serious consideration of the questions under discussion, conclusions were reached, and the sentiment of the meeting obtained, as follows:

Resolved, That the sense of this meeting be that it hereby indorses the action of the Board of Supervisors of the City and County of San Francisco in memorializing the Legislature of the State of California to restrict horse-racing and pool-selling for a period of thirty days annually within each county of the State of California.

Resolved, That a copy of the foregoing resolution be transmitted to the State Legislature and to His Excellency Governor Henry T. Gage, with the recommendation that they lend their efforts to secure the enactment of the legislation desired.

Attest: JOHN E. BEHAN,
Clerk of the Assemblage of Citizens, etc.

The following resolution was also adopted at the aforementioned meeting, to wit:

Resolved, That public gambling is a great evil, leading to poverty, disgrace, defalcation, and death, which the records of the city abundantly prove, and its practice should be discountenanced and suppressed.

Attest: JOHN E. BEHAN,
Clerk of the Assemblage of Citizens, etc.

PETITION.

The following petition was presented by Senator Wolfe, and ordered printed in the Journal:

We, the undersigned, practicing barbers in the State of California, heartily indorse the proposed bill regulating the practice of barbers in this State, and respectfully petition the Legislature of our State to the end that said bill may be passed and become a law:

A. Levy, 44 O'Farrell street; E. F. Robles, 44 O'Farrell street; F. C. Gonzalves, 44 O'Farrell street; Max M. Schwartz, 44 O'Farrell street; F. Kruckel, 103 O'Farrell street; C. Kuelivan, 103 O'Farrell street; John Saedner, 103 O'Farrell street; V. DeVizino, Grand Hotel; J. Bell, Grand Hotel; G. A. Trost, 1532 Mason street; C. W. Frazier, Grand Hotel; Chas. Saubenhemer, Grand Hotel; A. C. Kroff, Grand Hotel; Harry Mesa, Grand Hotel; Max Anthony, Palace Hotel; B. W. Caffisch, Palace Hotel; S. Beckley, Palace Hotel; G. M. Bernard, Palace Hotel; Martin Halloran, Palace Hotel; August Saencke, Palace Hotel.

And four hundred others.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 284—An Act to regulate the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 284 read first time, and referred to Committee on Health.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 406—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Yolo and Sacramento counties the Fortieth District.

Also: Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Also: Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Also: Assembly Bill No. 196—An Act to amend Sections 4 and 5 of an Act entitled "An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 254—An Act to promote the apicultural interests of the State of California by providing County Inspectors of Apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled "An Act to authorize the Board of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CURRIER, Chairman.

Senate Bills Nos. 406, 407, and 374, and Assembly Bills Nos. 196 and 254 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof: appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for expenses of such investigations.

Also: Senate Bill No. 16—An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville, in this State, and making an appropriation therefor.

Also: Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 7, 16, and 304 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 82—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BYRNES, Chairman.

Assembly Bill No. 82 ordered on file for second reading.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 223—An Act to place the "Lake Tahoe State Wagon Road" under the care, control, management, and supervision of the Department of Highways of the State of California, to provide for necessary alterations and extensions of said road, and the repair and construction of the road structures thereon, and making an appropriation therefor, all of which is for the benefit of the State of California—have had the same under consideration, and respectfully report the same back without recommendation, and that it be referred to Committee on Finance.

Also: Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

LUCHSINGER, Chairman.

Senate Bills Nos. 223 and 224 referred to Committee on Finance.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, January 31, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Assembly Bill No. 259—An Act providing for the payment of certain costs and expenses incurred in the arrest, keeping, examination, and trial of any convict committed to either of the State prisons of the State of California, and of any inmate of the Whittier State School or Preston School of Industry, including the costs of Coroners' inquests held on the

body of any person confined in such prisons and schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Assembly Bill No. 259 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Also: Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600½, relating to and defining the offense of burning structures and other property under \$25 in value, not subject to arson, and specifying the penalty therefor.

Also: Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute therefor be adopted.

Also: Senate Bill No. 219—An Act to amend Section 487 of the Penal Code of the State of California, relating to grand larceny—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Code Revision.

Also: Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Finance.

DAVIS, Chairman.

Senate Bills Nos. 270, 71, 116, and 381 ordered on file for second reading.

Senate Bill No. 219 referred to Committee on Code Revision.

Senate Bill No. 187 referred to Committee on Finance.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controllor of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for the sum of fifty (\$50) dollars, for postage stamps furnished to the Press Mailing Clerk, and the Treasurer is directed to pay the same.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Shortridge, Simpson, Taylor, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Corlett: Senate Bill No. 448—An Act regulating the keeping of restaurants, to which are connected lodging rooms, or rooms furnished with sleeping accommodations in which meals, liquors, beer, wine, or other drinks are sold or served, and providing for the keeping

of a register of names of occupants of such rooms, and the investigation, inspection, and examination of such register and rooms by the police authorities and Sheriff of the place where such restaurants are located; and providing a penalty for violation of the conditions of such regulations.

Bill read first time, and referred to Committee on Corporations.

By Senator Oneal: Senate Bill No. 449—An Act to add a new section to the Political Code, and to provide for the waiver and release to the United States, by this State, of its right, title, and interest in certain sixteenth and thirty-sixth sections of land.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Corporations: Senate Bill No. 450—An Act to amend an Act entitled "An Act making it unlawful to refuse admission to places of amusement."

Bill read first time, and placed on file.

By Senator Burnett: Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco under the Act of 1895.

Bill read first time, and referred to Committee on Judiciary.

By Senator Luchsinger: Senate Bill No. 452—An Act providing for the creation of road districts in counties of the twelfth class, creating the office of roadmaster therein, and providing for the election and duties of roadmaster.

Bill read first time, and referred to Committee on County Governments.

By Senator Belshaw: Senate Bill No. 453—An Act to provide for the location, construction, and maintenance of a State highway commencing at a point in Contra Costa County at or near the residence of W. H. Buckley, on the Fish Road, and running thence to the western end of what is known as Kennedy's Tunnel, in Alameda County; creating the Alameda-Contra Costa Highway Fund; prescribing the duties of the various officers in connection therewith, and making an appropriation therefor.

Bill read first time, and referred to Committee on Highways.

By Senator Wolfe: Senate Bill No. 454—An Act making an appropriation to pay the reward offered by the Governor of the State of California, and the claim therefor of W. A. Boyd and H. W. Randal, for the arrest of Josef E. Blanthier, for murder.

Bill read first time, and referred to Committee on Finance.

By Senator Davis: Senate Bill No. 455—An Act to repeal an Act entitled "An Act to incorporate the town of Downieville," approved March 18, 1863, and to repeal an Act amendatory thereof entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Downieville,' passed March 18, 1863," approved March 31, 1866.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ashe: Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Bill read first time, and referred to Committee on Corporations.

At ten o'clock and twenty minutes A. M., Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 199—An Act to amend Section 680 of the Political

Code, relating to the investment of moneys proceeding from the sale of State school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 267 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Currier, Curtin, Cutter, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Lukens, Muentner, Plunkett, Selvage, Simpson, Taylor, Tyrrell of San Francisco, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301—An Act to amend Section 412 of the Penal Code.

Passed on file.

Senate Bill No. 240—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Curtin, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Lukens, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Taylor, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 238—An Act to pay the claim of Thos. J. Walsh for conveying the election returns of Presidential Electors to Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 238 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Currier, Curtin, Cutter, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Shortridge, Taylor, Tyrrell of San Francisco, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260—An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School of San Diego, and making an appropriation therefor.

Passed on file.

Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to

amend an Act, approved February 28, 1887, entitled "An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883," providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof," approved March 23, 1893, reducing the amount of such appropriation per capita."

Read third time.

Senator Corlett moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by adding to Section 1, line twenty-two, the words "*provided*, that in no one year shall a sum exceeding \$60,000 be paid by virtue of such appropriation."

Also: by striking out of Section 2, line two, the words "its passage," and inserting "July 1, 1901."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act, approved February 28, 1887, entitled "An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association, approved March 7, 1883," providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita"—with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 64—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Passed on file.

Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Passed on file.

Senate Bill No. 367—An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Rowell, Shortridge, Simpson, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 237—An Act entitled “An Act to amend Section 2003 of the Political Code.”

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Nutt, Plunkett, Selvage, Simpson, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Nelson, Shortridge, and Smith of Kern—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Smith of Kern, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 252—An Act to amend Sections 628, 632, and 635 of the Penal Code, and to add thereto a new section, numbered 636a, all relating to the preservation of fish.

Also: Senate Bill No. 380—An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 252 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 380 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 252—An Act to amend Sections 628, 632, and 635 of the Penal Code, and to add thereto a new section, numbered 636a, all relating to the preservation of fish.

Also: Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow-larks.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 114—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be numbered 637½, providing for the protection of wild birds and their eggs and nests—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

J. G. TYRRELL, Chairman.

Assembly Bill No. 252, and Senate Bills Nos. 277 and 114 ordered on file for second reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 185—An Act to prohibit the falsely marking, branding or labeling boxes, packages, or barrels containing fruit, and providing

that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

Read third time.

Senator Wolfe moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by adding to the end of Section 1, in line seven, the words "or canned or packed."

Also: Amend by adding after the word "boxes," at end of line three, Section 1, the words "cans or glasses."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor—with instructions to amend, respectfully reports the same back, amended as per instructions

LEAVITT, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 81—An Act authorizing the Attorney-General to appoint a clerk in addition to the number now allowed by law, and providing for the payment of his salary for the remainder of the fifty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Leavitt, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 66 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Rowell, Selvaige, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 refused passage by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Corlett, Currier, Curtin, Greenwell, Hoey, Nelson, Nutt, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—16.

NOES—Senators Belshaw, Cutter, Davis, Devlin, Flint, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Selvage, and Sims—13

NOTICE OF MOTION TO RECONSIDER.

Senator Cutter gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 134 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186—An Act to amend an Act entitled "An Act to establish a Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 28, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 186 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Corlett, Curtin, Davis, Devlin, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, and Wolfe—22.

NOES—Senators Burnett, Cutter, Flint, Nutt, and Rowell—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 175 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, and Tyrrell of San Francisco—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3—An Act to amend Sections 2, 11, and 13 of an Act entitled "An Act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and the products

of milk drawn from diseased animals; to prevent the spread of infectious diseases common to stock," approved March 22, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 refused passage by the following vote:

AYES—Senators Ashe, Belshaw, Corlett, Currier, Devlin, Greenwell, Lardner, Leavitt, Nelson, Selvage, Simpson, Taylor, and Wolfe—13.

NOES—Senators Burnett, Byrnes, Curtin, Cutter, Flint, Hoey, Luchsinger, Lukens, Muentner, Nutt, Plunkett, Rowell, Shortridge, Sims, Smith of Kern, and Tyrrell of San Francisco—16.

Senate Bill No. 6—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Passed on file and ordered to foot of file.

Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties, and fixing his compensation, and providing for the payment thereof.

Passed on file and ordered to foot of file.

LEAVE OF ABSENCE.

Senator Currier was granted a leave of absence until Tuesday, February 5, 1901, on motion of Senator Devlin.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Devlin, his motion to reconsider the vote whereby Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District—was on Tuesday, January 29, 1901, refused passage, was postponed until next legislative day.

BILLS RE-REFERRED TO COMMITTEE.

On motion of Senator Rowell, Senate Bills Nos. 84, 85, and 86, now on file, were re-referred to Committee on Finance.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Read third time.

RECESS.

Pending roll call on Senate Bill No. 124, the hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Corlett, Curtin, Cutter, Flint, Greenwell, Lardner, Luchsinger, Lukens, Muenter, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—23.

Quorum present.

LEAVE OF ABSENCE.

Senator Oneal was granted a leave of absence for the day, on motion of Senator Flint.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Bill having been previously read third time.

On motion of Senator Taylor, further consideration of Senate Bill No. 124 was temporarily postponed.

Assembly Bill No. 88—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 88 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Cutter, Greenwell, Lardner, Luchsinger, Lukens, Muenter, Nelson, Nutt, Plunkett, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At two o'clock and ten minutes P. M., Senator Simpson in the chair.

Assembly Bill No. 39—An Act to add a new section to the Penal Code, to be numbered 499½, relating to the stealing of electric current, and the injuring of electric wires or appliances, and providing a punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Belshaw moved a call of the Senate.

Motion carried.

Time, two o'clock and twelve minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Corlett, Cutter, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, and Tyrrell of San Francisco—20.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and fifteen minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Taylor, who was excused, on motion of Senator Nutt.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll of absentees was called.

Whereupon the acting President declared Assembly Bill No. 39 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Curtin, Cutter, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Passed on file and ordered to foot of file.

SECOND READING OF BILLS.

Senate Bill No. 258—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Passed on file.

Senate Joint Resolution No. 7—Resolution as to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

Passed on file.

Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Passed on file.

Senate Constitutional Amendment No. 1—Proposing that Section 1½

of Article XIII of the Constitution, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, be amended by adding the proviso that the phrase "solely and exclusively for religious worship" shall not be construed to prevent such exemption because of meetings of religious societies, sacred concerts and entertainments given solely for the benefit of the church, being held therein.

Passed on file.

Senate Constitutional Amendment No. 2 —To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 7 of Article IX thereof, relating to the creation of the State Board of Education, and defining the duties thereof.

Passed on file.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTIONS NOS. 3, 4, AND 5.

Relative to Chinese and Japanese immigration to the United States.

WHEREAS, Since the ratification of the convention between the United States and the Empire of China upon the subject of emigration from China to the United States, additional territory has been acquired by the United States as well through annexation as war; and in consequence grave uncertainty has arisen as to the rights and privileges of subjects of the Empire of China to emigrate to the United States; and

WHEREAS, It is for the best interest of the State of California that our laborers be protected from the competition of Chinese, Japanese, and other alien pauper labor; and

WHEREAS, His Excellency Henry T. Gage, Governor of California, in his biennial message to the Legislature, has directed attention to the necessity and importance of legislation by the Congress of the United States relative to Asiatic immigration; and

WHEREAS, The "Chinese Exclusion Act," which has held in check the unlimited immigration of Chinese coolie labor to our shores is about to expire by limitation; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That our Senators be instructed and our Representatives in Congress be requested to use their best endeavors to secure the passage by Congress of a suitable measure to prevent the immigration of Chinese and Japanese coolie labor, and of all other undesirable alien labor, to the end that our laborers shall not be brought in competition with any pauper labor; and be it further

Resolved. That the Senators and Representatives in Congress from the State of California are requested to press the passage of such measures as urgency legislation; further, be it

Resolved. That a copy of these resolutions be transmitted by mail by the Secretary of the Senate to each of our members in Congress, to the President of the Senate of the United States, and the Speaker of the House of Representatives.

Substitute for Senate Joint Resolutions Nos. 3, 4, and 5 having been adopted and ordered to print on a previous day.

The resolution was read.

The question being on the passage of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Belshaw moved a call of the Senate.

Motion carried.

Time, two o'clock and twenty-five minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Corlett, Curtin, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—22.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and thirty minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Wolfe, who was excused, on motion of Senator Belshaw.

At two o'clock and thirty-five minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Devlin, who was excused, on motion of Senator Selvage.

At two o'clock and thirty-eight minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Flint, who was excused, on motion of Senator Corlett.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and forty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll of absentees was called.

Whereupon the acting President declared Committee Substitute for Senate Joint Resolutions Nos. 3, 4, and 5 adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Curtin, Devlin, Flint, Greenwell, Lardner, Luchsinger, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Leavitt and Lukens—2.

Joint resolution ordered transmitted to the Assembly.

Senate Bill No. 145—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Passed on file.

At two o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 78—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF BILL TEMPORARILY PASSED ON FILE.

On motion of Senator Taylor, Senate Bill No. 124 having been passed temporarily on file, the same was taken up for consideration.

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Bill having been read third time on this day.

Senator Taylor moved to refer to Senator Smith of Kern, as a special committee of one, to amend as follows:

After the words "municipal uses," line eight, Section 2, insert the compound word "school-houses."

Also: Strike out of Section 5, lines six and seven, the words "and at a place"; and after word "dates," Section 5, line six, insert "at the City Treasury."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No.

124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements and regulating the acquisition, construction or completion thereof—with instructions to amend, respectfully reports the same back, amended as per instructions.

S. C. SMITH, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered Section 1975, relating to the proof of proceedings of municipal corporations.

Also: Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the Police Department of cities, and cities and counties.

Also: Senate Bill No. 235—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Also: Senate Bill No. 236—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the Marshal.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TAYLOR, Chairman.

Senate Bills Nos. 46, 305, 235, and 236 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 63—An Act making an appropriation for the propagation of steelhead trout in Humboldt County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

J. G. TYRRELL, Chairman.

Assembly Bill No. 63 referred to Committee on Finance.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 187—An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates, by providing for the designation of what proportion of the rates fixed is for annual reasonable expenses and what proportion is for net annual receipts and profits—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GREENWELL, Chairman.

Assembly Bill No. 187 ordered on file for second reading.

ON MANUFACTURES.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Manufactures, to whom was referred Senate Bill No. 351—An Act to protect the manufacturing industries of this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

CORLETT, Chairman.

Senate Bill No. 351 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Nelson:

Resolved, That the State Printer be and he is hereby directed to print one hundred (100) additional copies, to those allowed by rule, of Senate Bills Nos. 425 and 426.

Resolution read and adopted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 350—An Act to create the office of State Dentist for the State Asylums, to prescribe his duties, and provide for the payment thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 348—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor and secure an option of purchase therefor, and submit sketch plans and specifications for said prison; and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of incorrigibles at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes.

Passed on file.

Assembly Bill No. 213—An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be committed to any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 204—An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works in the fifty-first fiscal year, and directing from what source such payment shall be made.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument by a person confined in the State Prison under life sentence, and prescribing the punishment therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 278—An Act to amend Section 278 of the Penal Code of California, relating to child-stealing.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting, after the word "reward," in line eight, first page, printed bill, a "comma," and after the comma the word "ransom."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 279—An Act to amend Section 237 of the Penal Code of California, relating to the punishment for false imprisonment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "whosoever," in line eleven, first page, printed bill, and inserting in lieu thereof the word "whosoever."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 218—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued from Justices' Courts, and by whom and how such summons may be served.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "male," in line ten, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "eighteen," in line eleven, first page, printed bill, and inserting in lieu thereof the following: "twenty-one."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "within the county where the action is brought," in lines eleven and twelve, first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 246—An Act to amend Section 638 of the Civil Code of the State of California.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "mortgage," in line ten, first page, printed bill, the words "or deed of trust."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned until eleven o'clock A. M. of Monday, February 4, 1901.

IN SENATE.

SENATE CHAMBER,
Monday, February 4, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Friday, February 1, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 30, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Hoey was granted leave of absence for the day, on motion of Senator Tyrrell of San Francisco.

Senator Byrne was granted leave of absence for the day, on motion of Senator Wolfe.

Senator Taylor was granted leave of absence for the day, on motion of Senator Leavitt.

COMMUNICATION.

The following communication to Lieutenant-Governor Jacob H. Neff was received and read:

SAN FRANCISCO, February 2, 1901.

To the President of the Senate, Sacramento, Cal.:

WHEREAS, Certain bills purporting to be in the interest of the health of the State were introduced in both houses of the State Legislature at Sacramento on January 30, 1901, and apparently supplementing Assembly Bill No. 294, which provides for a State Quarantine Officer; and

WHEREAS, Said bills so introduced have, as we believe, for their ultimate end the same motive as the said Bill No. 294, with an additional lavishness of State money, and at the same time the said bills tend to greatly and uselessly magnify in the public mind a danger which is seldom present, and which the people of this State are amply protected against by and at the expense of the Federal authorities; and

WHEREAS, One of said bills appropriates \$100,000 of public money, to be expended at the pleasure of the Governor of this State without restriction; and

WHEREAS, Said bills so introduced on January 30, 1901, were rushed through the State Assembly and passed second reading by said body with unseemly haste, and apparently without due, or any consideration, on February 1, 1901; and

WHEREAS, Said bills were passed with unseemly haste on the plea that an emergency existed which justified such action; and

WHEREAS, There exists no emergency in the health conditions of this State; and

WHEREAS, A quiet and orderly investigation by the Federal authorities of the health conditions of this port, said to be now in progress, does not justify a voluntary conflict with said authorities, nor create an emergency; and

WHEREAS, There exists no good reason why such legislation should not be considered with due deliberation, and be submitted to the usual and proper criticism of the people of the State before being enacted into a law; and

WHEREAS, The Federal authorities provide, at the expense of the United States Government, a complete quarantine inspection service at this port, with a station furnishing ample accommodations and care for all infected vessels and persons; and

WHEREAS, The one criticism heard regarding the said Federal quarantine service is a universal unpopularity of the chief officer thereof; and

WHEREAS, Although said unpopularity of said Quarantine Officer appears to be well founded, the same is improperly being used as an argument in favor of establishing an additional quarantine service at the expense of this State; and

WHEREAS, We believe that the appointment of a State Quarantine Officer would only result in conflict of authority, as heretofore, and not in any benefit to the State, or in the removal or displacing of the Federal service and inspection; now, therefore, be it

Resolved, by the several commercial organizations of the City and County and Port of San Francisco, in conference assembled at the rooms of the Chamber of Commerce thereof, on this second day of February, 1901, That these organizations are opposed to the passage or adoption by the State Legislature of said bills in their present form, or to any bills without proper and deliberate consideration, or to any bill or bills that provide for a State Quarantine Officer with any authority or control over the shipping or commerce of this port; or to any bill or bills that will invite or result in a conflict with the Federal authorities on quarantine matters, or that provide for the unnecessary expenditure and consequent waste of large, or any sums, of public money; and be it

Resolved, That we earnestly protest against the adoption of the aforesaid bills, and petition the honorable members of the State Senate and Assembly that they do work and vote in accordance herewith; and be it

Further resolved, That copies of these resolutions be forwarded to the members of the California State Legislature forthwith.

CERTIFICATE—We, the undersigned, hereby certify that the above preambles and resolutions were duly adopted at said meeting, and that the same have the unqualified sanction and approval of our several organized bodies:

Chamber of Commerce—By W. E. Mighell, Second Vice-President; Shipowners' Association of the Pacific Coast—By A. M. Simpson, President; Board of Trade of San Francisco—By A. A. Watkins, President, per W. R. W.; Merchants' Association of San Francisco—By F. W. Dohrmann, President; Manufacturers and Producers' Association—By A. Sbarbaro, President; Produce Exchange—By G. W. McNear, President; San Francisco Committee on Commerce—By Wm. R. Wheeler, Chairman.

RESOLUTIONS.

The following resolutions were offered:

By Senator Nutt:

Resolved, That William R. Spohn is hereby appointed as committee clerk to the Senate Committee on Forestry and Water Storage, said appointment to take effect from and after February 2, 1901.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Cutter:

Resolved, That I. M. King and E. O. Clayton be elected statutory Assistant Enrolling and Engrossing Clerks of the Senate, to date from and including February 5, 1901.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Also:

Resolved, That Etta Botcher be elected Assistant Enrolling and Engrossing Clerk at a per diem of \$5, payable out of the Contingent Fund of the Senate, to date from and including February 5, 1901.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Cutter, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Sel-

vage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—27.
NOES—None.

By Senator Lardner:

Resolved, That when the Senate adjourn this day it do so out of respect to the memory of John Marshall, Chief Justice of the Supreme Court of the United States, and in commemoration of the one hundredth anniversary of his assumption of the duties of said office.

Resolution read and adopted.

RESIGNATION.

The following resignation was received and accepted:

SACRAMENTO, February 2, 1901.

To the Honorable the State Senate of the State of California:

GENTLEMEN: I hereby tender my resignation as clerk to your Committee on Forestry and Water Storage, and respectfully request that the same may be accepted, to take effect February 2, 1901.

J. C. HAYES.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 2, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 380—An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session—and report that the same has been correctly enrolled, and presented the same to the Governor on this second day of February, 1901, at ten o'clock and nineteen minutes A. M.

Also: Found the following bills correctly engrossed:

Senate Bill No. 168—An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts, of cities and towns, and grout and rough rock for riprap work and restraining walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

Senate Bill No. 105—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority, of the several counties, cities and counties, cities and towns, of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Senate Bill No. 180—An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State.

Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for the manner of making allowances for the use and support of such companies.

Senate Bill No. 201—An Act to define and establish a portion of the eastern boundary of the State of California.

Senate Bill No. 102—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

Senate Bill No. 268—An Act to make an appropriation to pay the claim of John S. Wilkins for services rendered for the State Quarantine Office as messenger and clerk therefor during the year 1900 from January, 1900, to September, 1900, inclusive.

Senate Bill No. 38—An Act appropriating money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Senate Bill No. 289—An Act to declare the Sonora and Mono Wagon Road, commencing east of Sonora, at a point known as the "Foot of the Confidence Grade," in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway.

Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Also: Have found the following considered engrossed bills correctly engrossed:

Senate Bill No. 78—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Senate Bill No. 350—An Act to create the office of State Dentist for the State Asylums, to prescribe his duties, and provide for the payment thereof.

Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California.

Senate Bill No. 204—An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works for the fifty-first fiscal year, and directing from what source such payment shall be made.

Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument by a person confined in the State Prison under life sentence, and prescribing the punishment therefor.

Senate Bill No. 279—An Act to amend Section 237 of the Penal Code of California, relating to the punishment for false imprisonment.

Also: That they have examined and found the following bills correctly reengrossed: Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300.

Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

NELSON, Chairman.

Senate Bills Nos. 168, 181, 292, 105, 170, 180, 201, 102, 268, 38, 2, 289, 215, and Substitute for Senate Bill No. 216 ordered on file for second reading.

Senate Bills Nos. 78, 350, 222, 204, 341, and 279 ordered on file for third reading.

Senate Bills Nos. 206 and 18 ordered on file for passage.

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAGGARD, Chairman.

Assembly Bill No. 284 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Maggard asked for unanimous consent to withdraw Senate Bill No. 258, being identical with Assembly Bill No. 284, on file for second reading.

Consent granted.

Bill withdrawn, and ordered stricken from file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 409—An Act to amend Section 963 of the Code of Civil Procedure.

Also: Senate Bill No. 53—An Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions in this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 366—An Act to authorize suits against the State concerning certain real property, and regulating the procedure therein—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Senate Bills Nos. 409, 53, and 366 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 12—Relative to attempted location of mineral oil lands as agricultural lands—have had the same under consideration, and respectfully report the same back without recommendation, as amended.

LAIRD, Chairman.

Senate Joint Resolution No. 12 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Caldwell: Senate Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 2 of Article VI of the Constitution of the State of California, relating to the Supreme Court.

Referred to Committee on Constitutional Amendments.

Also: Senate Bill No. 457—An Act to add a new section, numbered 421, to the Penal Code of the State of California, relating to berths in sleeping-cars.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 458—An Act for the protection of inclosed and cultivated lands in the State of California, and to prevent persons entering thereon with firearms, or dogs, for the purpose of hunting, pursuing, shooting, or killing game, and to repeal all Acts in conflict therewith.

Bill read first time, and referred to Committee on Fish and Game.

Also (by request): Senate Bill No. 459—An Act to amend Sections 424 and 425 of the Penal Code of the State of California, relating to crimes against the revenue and property of this State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 460—An Act to amend Section 178 of an Act to establish a uniform system of county and township governments, approved April 1, 1897.

Bill read first time, and referred to Committee on County Governments.

By Senator Luchsinger: Senate Bill No. 461—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage.

Bill read first time, and referred to Committee on Commerce.

Also: Senate Bill No. 462—An Act to amend Section 2349 of the Political Code of the State of California, relating to public way.

Bill read first time, and referred to Committee on Commerce.

By Senator Sims: Senate Bill No. 463—An Act to amend Section 3819 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 464—An Act to amend the Civil Code of the State of California relating to the formation of corporations with unassessable capital stock, and providing for existing corporations to elect to amend their articles of incorporation, so as to have the benefit of this Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 465—An Act to amend Subdivision 7 of Section

290 of the Civil Code of the State of California, relative to the contents of articles of incorporation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 466—An Act to amend the Civil Code of the State of California, relating to the formation of corporations having unassessable capital stock.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 467—An Act making an appropriation to pay the claim of Christopher McNulty for injuries received on property belonging to the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Laird: Senate Bill No. 468—An Act to amend Section 1222 of the Code of Civil Procedure, relating to contempts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 469—An Act to amend Section 110 of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 470—An Act to establish police courts in cities of the third class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

SUSPENSION OF RULES.

Senator Devlin moved that the rules be suspended for the purpose of immediately considering Senate Joint Resolution No. 14.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Cutter, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Wolfe—28.

NOES—None.

SENATE JOINT RESOLUTION NO. 14.

Inviting the Committee on Rivers and Harbors of the House of Representatives to visit the State of California.

Resolved by the Senate and Assembly of the State of California, jointly, That we do extend a cordial invitation to the members of the Committee on Rivers and Harbors of the House of Representatives to visit the State of California, at their earliest convenience, for the purpose of examining the water-ways and harbors of this State. The Pacific Slope is about to witness a great industrial development, and California must necessarily be the center of increased progress. The Bay of San Francisco and the great rivers that empty into it, will, in the near future, possess such a degree of importance that the whole people of the United States will demand their development as commercial water-ways to their fullest capacity. From the fact that we are distant from the seat of government we have difficulty in making our needs known, and believe that an examination of our rivers and harbors would demonstrate their importance to the country. We pledge to the committee during their sojourn in California a most hearty welcome.

Resolved, That our Senators be instructed and our Representatives requested to present this invitation to the members of said committee, and to extend to them an invitation to visit California on behalf of this State.

Resolved, That the Secretary of the Senate be and he is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress by telegraph.

Resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Curtin, Cutter, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Selvage,

Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Nelson asked for unanimous consent to withdraw Senate Bill No. 301—An Act to amend Section 412 of the Penal Code.

Consent granted.

Bill withdrawn, and ordered stricken from file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 260—An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School of San Diego, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Curtin, Davis, Devlin, Flint, Lardner, Leavitt, Lukens, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and thirty-five minutes A. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Bill having been read third time on a previous day.

Senator Flint moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line seven, the word "said," and inserting the word "Sutter's."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort—with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Passed on file.

WITHDRAWAL OF BILL.

Senator Belshaw asked for unanimous consent to withdraw Senate Bill No. 1—An Act directing the State Prison Directors of the State of Cali-

fornia to employ at least twenty prisoners in the construction and repair of roads to the State Prison of San Quentin.

Consent granted.

Bill withdrawn, and ordered stricken from file.

At eleven o'clock and fifty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 78—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Senator Bettman moved that the bill be denied third reading.

The question being, "Shall the bill be read third time?"

The question was put, and the President pro tem. declared the bill denied third reading.

WITHDRAWAL OF BILL.

Senator Simpson asked for unanimous consent to withdraw Senate Bill No. 350—An Act to create the office of State Dentist for the State Asylums, to prescribe his duties, and provide for the payment thereof.

Consent granted.

Bill withdrawn, and ordered stricken from file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 213—An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in, or that may hereafter be committed to, any penitentiary, prison, jail, house of detention, reform school, or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 213 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Cutter moved that the vote whereby Senate Bill No. 134—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893—was on a previous day refused passage, be reconsidered.

During the discussion, Senator Leavitt moved the previous question. The question then being, "Shall the main question be now put?"

The same being ordered, and the question then being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Curtin, Cutter, Greenwell, Nelson, Nutt, Pace, Shortridge, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—14.

NOES—Senators Belshaw, Caldwell, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Selvage, Simpson, Sims, and Smith of Los Angeles—16.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Flint, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 5—Relative to a committee to be appointed for the reception of the President and other officers of the United States Government and the State of Ohio, and the appropriation of money therefor.

Also: Passed Assembly Bill No. 560—An Act to prevent the introduction and provide for the suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Concurrent Resolution No. 5 ordered to enrollment.

Assembly Bill No. 560 read first time, and referred to Committee on Health.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 278—An Act to amend Section 278 of the Penal Code of California, relating to child-stealing.

Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

Senate Bill No. 218—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued from Justices' Courts, and by whom and how such summons may be served.

Senate Bill No. 246—An Act to amend Section 638 of the Civil Code of the State of California.

Also: Have found the following bills correctly reengrossed:

Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Asso-

ciation," approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof, approved March 23, 1893, reducing the amount of such appropriation per capita."

Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

NELSON, Chairman.

Senate Bills Nos. 14, 185, 124, 278, 220, 218, and 246 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 231—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication, and the taking of affidavits to be used in procuring the order for publication of summons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Senate Bill No. 231 ordered on file for second reading.

At two o'clock and fifteen minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, two o'clock and eighteen minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and twenty minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Plunkett, who was excused, on motion of Senator Wolfe.

At two o'clock and thirty minutes P. M., the Sergeant-at-Arms brought to the bar of the Senate Senator Laird, who was excused, on motion of Senator Wolfe.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and thirty-one minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the acting President declared Senate Bill No. 222 refused passage by the following vote:

AYES—Senators Bettman, Cutter, Devlin, Laird, Lardner, Leavitt, Lukens, Maggard, Nutt, Oneal, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—17.

NOES—Senators Belshaw, Burnett, Caldwell, Corlett, Curtin, Flint, Greenwell, Luchsinger, Muentner, Nelson, Rowell, Selvage, and Wolfe—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 222 was this day refused passage.

At two o'clock and thirty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 204—An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works for the fifty-first fiscal year, and directing from what source such payment shall be made.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 204 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument by a person confined in the State prison under life sentence, and prescribing the punishment therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 341 passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 279—An Act to amend Section 237 of the Penal Code of California, relating to the punishment for false imprisonment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 279 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Greenwell, Laird, Lardner, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to

establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Passed on file.

Senate Bill No. 135—An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation, and providing for the payment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 135 lost by the following vote:

AYES—Senators Curtin, Devlin, Flint, Maggard, Muentner, Plunkett, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—9.

NOES—Senators Belshaw, Bettman, Burnett, Caldwell, Cutter, Davis, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, and Smith of Los Angeles—21.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Devlin, his motion to reconsider the vote whereby Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer; and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District—was on Tuesday, January 29, 1901, refused passage was postponed until next legislative day.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., Senator Cutter moved to adjourn.

Motion carried.

Whereupon the President pro tem. declared the Senate adjourned out of respect to the memory of John Marshall, Chief Justice of the Supreme Court of the United States, commemorating the one hundredth anniversary of his assumption of said office.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 5, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—32.

Quorum present.

PRAYER.

Prayer by Rev. C. L. Miel, of Sacramento.

READING OF THE JOURNAL.

The Journal of Monday, February 4, 1901, was read.

LEAVE OF ABSENCE.

Senator Hoey was granted leave of absence until Thursday, February 7, 1901, on motion of Senator Tyrrell of San Francisco.

COMMUNICATION.

The following communication was received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF EDUCATION, }
SACRAMENTO, February 4, 1901. }

To the Senate and the Assembly of the State of California :

GENTLEMEN: It is the sense of the State Board of Education on the question of State school text-books:

First—That provision should be made for securing the best books obtainable.

Second—That provision be made for special expert examination in the case of each book adopted.

Third—That provision be made for giving such clerical assistance as may be needed in this matter; the clerk so appointed to be selected by the State Board and placed under the direction of its secretary.

Fourth—That full control of the educational side of this matter remain in the hands of the State Board of Education.

Fifth—That the State Board be empowered to enter into contracts for securing the use of copyrighted text-book matter.

THE STATE BOARD OF EDUCATION.
By THOMAS J. KIRK, Secretary.

[SEAL]

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That William R. Spohn is hereby appointed as committee clerk to the Senate Committee on Forestry and Water Storage, said appointment to take effect from and after February 2, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Plunkett, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, and Tyrrell of San Francisco—26.

NOES—None.

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Senate Bill No. 320—An Act to provide in whose name title to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and the amendments thereto.

Also: Senate Bill No. 12—An Act to validate certain acts and proceedings had under an Act of the Legislature of the State of California entitled "An Act to provide for the

organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 214—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 209—An Act to amend an Act entitled "An Act to amend Sections 5, 6, and 11 of an Act entitled 'An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County,' approved March 20, 1874"—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute do pass.

Also: Senate Bill No. 335—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Mining.

MUENTER, Chairman.

Senate Bills Nos. 320, 12, 214, and 209 ordered on file for second reading.

Senate Bill No. 335 referred to Committee on Mining.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 5—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LAIRD, Chairman.

Assembly Joint Resolution No. 5 ordered on file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—have had the same under consideration, and report the same back, and respectfully recommend that the bill accompanying this report be introduced as a substitute, and that such substitute do pass.

Your committee further reports that said Senate Bill No. 138 embodies the suggestions made by the Commission for the Revision and Reform of the Law as to the revision of the Code of Civil Procedure, and embodied in their report heretofore filed with the Secretary of State.

That in considering said bill your committee met in joint sessions with a like committee of the Assembly.

That said substitute bill accompanying this report is substantially the same as Senate Bill No. 138, and is introduced in the form of a substitute for the reason that several of the provisions of the bill heretofore introduced were not adopted, and it was necessary to renumber the sections of the bill, which could not well be done by separate amendments.

Respectfully submitted.

SELVAGE, Chairman.

On motion of Senator Selvage, Committee Substitute for Senate Bill No. 138 was ordered to print.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Also: Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California.

Also: Assembly Bill No. 137—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Also: Senate Bill No. 311—An Act appropriating money for the payment of claims against the State arising in the counties of Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, and Trinity, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Also: Senate Bill No. 382—An Act appropriating money for the payment of claims against the State arising in the counties of Monterey and San Benito, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 187, 398, 177, 205, 372, 311, 382, and Assembly Bill No. 137 ordered on file for second reading.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 274—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 384—An Act making an appropriation of \$8,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Also: Senate Bill No. 76—An Act making an appropriation of \$5,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended, and be referred to the Committee on Finance.

Also: Senate Bill No. 271—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 385—An Act making an appropriation of \$15,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton.

Also: Senate Bill No. 383—An Act making an appropriation of \$6,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, for the purchasing of the necessary machinery and equipment, and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Finance.

ROWELL, Chairman.

Senate Bills Nos. 274, 76, 271, 385, 383, and 384 referred to Committee on Finance.

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, February 4, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred pages six, seven, eight, nine, ten, and eleven of the Governor's message, have had the same under consideration, and respectfully report the same back, and recommend that, inasmuch as the questions involved are now under investigation by the health officials of the National and State governments and of San Francisco, we deem it inadvisable to make any suggestions relative thereto.

MAGGARD, Chairman.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced and referred to committees as indicated:

By Senator Luchsinger: Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 472—An Act to provide for the location, construction, and maintenance of a State highway, commencing at the City of Vallejo, Solano County, and running thence to connect with the highway system of Solano County, by way of American Cañon at Fairfield, the county seat of Solano County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Highways.

By Senator Burnett: Senate Bill No. 473—An Act adding a new section to the Political Code of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods.

Bill read first time, and referred to Committee on Prisons.

By Senator Smith of Kern: Senate Bill No. 474—An Act to provide for the classification of the term of office of Supervisors in certain counties.

Bill read first time, and referred to Committee on County Governments.

By Senator Taylor: Senate Bill No. 475—An Act to add a new section to the Political Code of the State of California, to be numbered 1120, relating to registrations.

Bill read first time, and referred to Committee on Elections.

Also: Senate Bill No. 476—An Act making an appropriation to pay the County of Alameda for the support of orphans, half-orphans, and abandoned children during the half year ending June 30, 1898.

Bill read first time, and referred to Committee on Finance.

By Senator Davis: Senate Bill No. 477—An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caldwell: Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Bill read first time, and referred to Committee on Agriculture.

By Senator Oneal: Senate Bill No. 479—An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tyrrell of Nevada: Senate Bill No. 480—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be designated and numbered Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read first time, and referred to Committee on Municipal Corporations.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Devlin, the following message from the Governor was taken up and read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 5, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill

No. 380, entitled "An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session."

HENRY T. GAGE,
Governor of the State of California.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Davis, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Devlin moved a reconsideration of the vote whereby Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District—was on a previous day refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Corlett, Curtin, Cutter, Devlin, Flint, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Oneal, Plunkett, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senators Burnett, Laird, Nelson, Nutt, Rowell, Selvage, and Shortridge—7.

Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 167 passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Cutter, Devlin, Flint, Lardner, Luchsinger, Lukens, Maggard, Oneal, Plunkett, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—21.

NOES—Senators Belshaw, Burnett, Laird, Nelson, Nutt, Rowell, and Shortridge—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

TIME FOR CONSIDERATION OF SPECIAL ORDER TEMPORARILY POSTPONED.

On motion of Senator Leavitt, the time for consideration of special order set for this hour was temporarily postponed.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Wolfe moved a reconsideration of the vote whereby Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California—was refused passage.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, eleven o'clock and three minutes A. M.

The President pro tem directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names.

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—33.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and five minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President pro tem. declared the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Cutter, Davis, Devlin, Laird, Lard-

ner, Leavitt, Lukens, Maggard, O'Neal, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—22.
NAYS—Senators Belshaw, Caldwell, Corlett, Curtin, Flint, Greenwell, Luchsinger, Nelson, Nutt, Rowell, Selvage, and Sims—12.

Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 222 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Cutter, Devlin, Greenwell, Laird, Lardner, Leavitt, Lukens, Maggard, O'Neal, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Belshaw, Caldwell, Curtin, Flint, Goad, Luchsinger, Nelson, Nutt, Rowell, Selvage, Sims, and Welch—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of W. O. Banks, Sergeant-at-Arms of the Assembly, for the sum of \$129.08, the same being for one half the expenses attending the Electoral College ceremonies in the Assembly Chamber on the 14th of January, 1901.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order, heretofore set, having arrived, the same was taken up.

Senate Bill No. 295—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

On motion of Senator Tyrrell of Nevada, the bill was re-referred to Committee on Finance.

THIRD READING OF BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.
Passed on file.

Senate Bill No. 168—An Act entitled an Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and grout and rough rock for rip-rap work and restraining walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Passed temporarily on file.

Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Passed on file.

Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Lardner, Lukens, Maggard, Muentner, Nutt, Oneal, Plunkett, Rowell, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Read third time, and passed temporarily on file.

Senate Bill No. 180—An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 180 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Curtin, Cutter, Davis, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selva, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—23.

NOES—Senator Plunkett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and thirty-five minutes A. M., Senator Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

Passed on file.

Senate Bill No. 201—An Act to define and establish a portion of the eastern boundary of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 201 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Curtin, Cutter, Devlin, Goad, Greenwell, Laird, Lardner, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and forty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 102—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—33.

NOES—Senators Belshaw, Laird, and Muentner—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

Quorum present.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 268—An Act making an appropriation to pay the claim of John S. Wilkins, for services rendered the State Quarantine Office as messenger and clerk therefor during the year 1900—from January, 1900, to September, 1900, inclusive.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—24.

NOES—Senators Ashe, Curtin, and Muentner—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 38—An Act appropriating money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 38 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 2 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Cutter, Davis, Flint, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 289—An Act to declare the Sonora and Mono Wagon Road, commencing east of Sonora at a point known as the "Foot of the Confidence Grade," in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act, approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,

approved March 7, 1883," providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Goad, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 185 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Passed on file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Concurrent Resolution No. 5—Relative to a committee to be appointed for the reception of the President and other officers of the United States Government and the State of Ohio, and the appropriation of money therefor—and report that the same has been correctly enrolled; and presented the same to the Governor on this 5th day of February, 1901, at eleven o'clock and fifty-five minutes A. M.

NELSON, Chairman.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred parts of the Governor's message referring to Chinese and Japanese laborers, have had the same under consideration, and as the same subject is embodied in the Committee Substitute for Joint Resolutions Nos. 3, 4, and 5, your committee report the same back without recommendation.

LAIRD, Chairman.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to

extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Senate Bill No. 408 ordered on file for second reading.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced by Senator Lukens:

Senate Concurrent Resolution No. 10—Relative to a welcome to the State of California for the International Convention of Epworth Leagues, upon the occasion of its fifth biennial session, to be held in San Francisco July 18 to 21, 1901.

Referred to Committee on Education.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 278—An Act to amend Section 278 of the Penal Code of California, relating to child-stealing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 278 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Nutt, Oneal, Plunkett, Rowell, Selva, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—25.

NOES—Senator Ashe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

On motion of Senator Lardner, Senate Bill No. 168, temporarily passed on file this day, was taken up for consideration.

Senate Bill No. 168—An Act entitled an Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and grout and rough rock for rip-rap work and restraining walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Read third time, and, on motion of Senator Lardner, further consideration was temporarily postponed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly reengrossed Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

NELSON, Chairman.

Senate Bill No. 161 ordered on file for passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.
Read third time.

Senator Devlin moved to refer to Senator Davis, as a special committee of one, to amend as follows:

Amend by inserting in line seven, Section 1, page one of the printed bill, after the words "counter claim," the words "or service of cross-complaint."

Also: Amend by inserting in line nine, Section 1, page one of the printed bill, after the words "counter claim," the words "or service of cross-complaint."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 218—An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued from Justices' Courts, and by whom and how such summons may be served.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Plunkett, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 246—An Act to amend Section 638 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Belsbaw, Bettman, Burnett, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Lukens, Maggard, Muentner, Oneal, Plunkett, Selvage, Shorthridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO ADJOURN.

At three o'clock and ten minutes P. M., Senator Simpson moved that the Senate adjourn.

Motion lost.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred to committees as indicated:

By Senator Davis: Senate Bill No. 481—An Act to amend Sections 189 and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceedings in pursuance whereof real estate has been sold to the State for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made.

Bill read first time, and referred to Committee on Revenue and Taxation.

At three o'clock and fifteen minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was introduced by Senator Smith of Kern:

Resolved, That Senators Flint, Tyrrell of Nevada, and Sims be and they are hereby appointed a committee to visit the Preston School of Industry, and that they be allowed their actual expenses.

During the reading of the resolution, the following amendment was offered by Senator Bettman:

Amend by inserting, after name "Sims," the names "Maggard, Bettman, and Plunkett."

Amendment adopted.

Resolution read.

The question being on the adoption of the resolution as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenster, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—33.

NOES—None.

At three o'clock and twenty-two minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

SECOND READING OF BILLS.

Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Passed on file.

SENATE JOINT RESOLUTION NO. 7.

Resolution as to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

WHEREAS, There has been lately annexed to these United States a large island known as Molokai, one of the Hawaiian group; and

WHEREAS, Upon the said Island of Molokai there is a leper hospital devoted entirely to the care and cure of lepers, and which island, on account of its locality and conditions, is peculiarly adapted for such purposes; therefore, be it

Resolved by the Senate and Assembly, jointly, That we hereby recognize the great necessity of having all those afflicted with leprosy confined within and upon the said Island of Molokai, both because of its isolated condition and equable climate;

Now, therefore, be it resolved by the Senate and Assembly, jointly, That our Senators in Congress be instructed and our Representatives therein requested to vote for and use all honorable means to secure such legislation as will enable every leper found within these United States, or thereafter to be found therein, to be sent to the Island of Molokai for care and treatment; and be it

Further resolved, That the Governor of this State is hereby respectfully requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote :

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Davis, Devlin, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Passed on file.

Senate Constitutional Amendment No. 1—Proposing that Section 1½ of Article XIII of the Constitution, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, be amended by adding the proviso that the phrase “solely and exclusively for religious worship” shall not be construed to prevent such exemption because of meetings of religious societies, sacred concerts, and entertainments given solely for the benefit of the church, being held therein.

Passed on file.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Simpson asked unanimous consent to withdraw Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 7 of Article IX thereof, relating to the creation of the State Board of Education, and defining the duties thereof.

Consent granted.

Senate Constitutional Amendment No. 2 withdrawn and ordered stricken from the file.

WITHDRAWAL OF BILL.

Senator Leavitt asked for unanimous consent to withdraw Senate Bill No. 145—An Act to prevent tampering with animals, and to prevent the giving or administering of poisons or drugs to horses, cattle, and other livestock and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof—and substitute therefor on file Assembly Bill No. 14—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock, dogs, and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Consent granted.

Senate Bill No. 145 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 14—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock, dogs, and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

During the second reading of bill, the following amendment was offered by Senator Leavitt:

Amend by striking out the word "the" from the enacting clause, before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print and third reading.

MOTION TO ADJOURN.

At three o'clock and thirty minutes P. M., Senator Laird moved that the Senate adjourn.

Motion lost.

Senate Bill No 348—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor and secure an option of purchase therefor, and submit sketch plans and specifications for said prison; and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of incorrigibles at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes.

In accordance with the rules, Senate Bill No. 348 was re-referred to Committee on Finance.

ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Senator Laird, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 6, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Rowell, Salvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Welch—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF THE JOURNAL.

The Journal of Tuesday, February 5, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 31, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Hoey was granted a leave of absence for the day, on motion of Senator Wolfe.

Senator Ashe was granted a leave of absence for the day, on motion of Senator Sims.

Senator Devlin was granted a leave of absence for the day, on motion of Senator Simpson.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Simpson:

To the Honorable Senate and Assembly of the State of California:

We, the undersigned citizens and taxpayers of the State of California, desire to enter an earnest protest against the bill now pending before the Legislature of this State purporting to regulate the practice of medicine. It is announced through the public press that the bill is largely aimed at Christian Science. In behalf of that rapidly growing cause we urge that the bill, in so far as its terms may be construed to interfere with the healing of the sick as it is practiced by that church, is in violation of individual rights and in the interests of special privilege. Ostensibly, the bill is intended to protect the community from malpractice; in reality, its motive is to restrict competition, and create the monopoly of treating disease to those who bear the credentials of an established and recognized school.

In effect, you are asked by this bill to sit as censors upon a large and rapidly growing class of your constituents, and to declare that they have no rights which you are bound to respect.

You are asked to say by your acts that there is but one class of people worthy of the name or entitled to perform the office of healers of the sick, or alleviators of pain and disease.

You are asked by this bill to declare that the citizens of this State have neither the right to get well nor to die without the aid of those who hold licenses as medical practitioners.

You are asked to say that sick people must take drugs and medicines prescribed by these gentlemen, whether they wish to or not, or that they shall not accept any other method of treatment.

You are asked in spirit and effect to say that all who refuse thus to be dictated to are ignorant and unworthy citizens and incapable of self-judgment or of knowing their own minds.

Christian Science is a form of religious profession and worship, and its method of healing the sick is but an incident of its exercise.

We therefore protest that the bill, so far as it is aimed at Christian Science, is in violation of the Constitution of this State, which guarantees to all citizens the free exercise and enjoyment of religious profession and worship without discrimination or preference.

Very respectfully submitted.

R. W. Burnham, Mercantile Agency; A. H. Naftzer, Fruit Exchange; Ben E. Ward, City Assessor; A. C. Carter, Fruit Grower; J. Ross Clark, General Manager Los Alamitos Sugar Co.; W. E. Brown, Wholesale Commission; C. C. Wright, Attorney-at-law; J. B. Alexander, Commercial Agent; William Pridham, and forty-six others.

By Senator Wolfe:

To the Senate and Assembly of the State of California:

Your memorialist, the Redlands Board of Trade, a commercial organization, organized to promote the commercial interests and to conserve the general material welfare of Redlands, and of the State of California, begs leave to memorialize your honorable bodies, and for cause of petition most respectfully represents:

To the end that there shall be more water available for the irrigation of broader acres

of land than is now obtainable through the unrestrained flow of water through the channels of the rivers, and to the end that an increased water supply for mining, agricultural, and mechanical purposes may be created, your petitioner asks at the hands of your honorable bodies consideration of measures which will eventuate in the storage of the flood waters of the State; the preservation of the forests as a means of conserving the rainfall, and as a further means of natural storage.

To this end your memorialist believes that a Board of Water and Forest Commissioners should be created to conduct an investigation on behalf of the State jointly with the Federal Government; that such commissioners should serve without pay, but that an appropriation for the expenses of the investigation proposed should be made from the treasury of the State.

Your petitioner submits the draft of a bill which it has examined and approved, as a formulation of the policies herein indicated, and as an outline of the purposes of the legislation asked at your hands. The draft is presented, not in the spirit of dictation, but rather of respectful suggestion. The passage of a bill analogous to the one attached hereunto is the prayer of your petitioner, and, as in duty bound, your petitioner will ever pray.

By order of the Board of Directors of Redlands Board of Trade.

By EDWARD S. GRAHAM, President.
G. C. THAXTER, Secretary.

AN ACT

To provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State and making an appropriation for the expenses of such investigations.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby constituted a Board of Water and Forest Commissioners, composed of three citizens of the State, who shall be appointed by the Governor on or before April 1, 1901. No two of such commissioners shall be a resident of the same county.

SEC. 2. Before entering upon the discharge of the duties of his office, each of said commissioners shall take an oath or affirmation to support the Constitution of the United States and of this State, and to faithfully and honestly discharge his duties as such commissioner, and shall execute and file with the Secretary of State an official bond, with good and sufficient sureties, to be approved by the Governor, in the penal sum of \$20,000, conditional for the faithful performance of his duties under this Act.

SEC. 3. Such commissioners shall receive no salary. They shall have power to employ a secretary at a salary of not exceeding \$100 per month, and shall be allowed a contingent fund of not exceeding \$200 per month to defray office and actual traveling expenses, and shall at the close of their term account to the Governor for all moneys received and disbursed by them. Such commissioners may receive donations to assist them in carrying out the purposes of this Act, accounting as such commissioners for such donations.

SEC. 4. Said commissioners shall have the power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any department of the Federal Government for the purpose of making topographic surveys and a joint investigation of and report on the water resources of the State, the best methods of developing the same, and the best methods of preserving the forests; *provided, however*, that their expenditures for such purposes shall not be in excess of the amounts to be expended by the department of the Federal Government in collaboration with which any specific work is done. They may also in like manner and subject to the same conditions make such experiments for preserving the forests of the State as may seem best to them and to the representatives of the branch of the Federal Government authorized to undertake such experiments.

SEC. 5. In order to carry out the purposes of this Act, any person or persons employed hereunder are authorized to enter and cross all lands within this State; *provided*, in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any of such persons.

SEC. 6. The sum of \$107,200 is hereby appropriated as a special fund for the purposes specified in this Act, and the Controller of State is hereby authorized and directed to draw warrants upon such fund from time to time upon the requisition of two of such commissioners, and the State Treasurer is hereby authorized and directed to pay such warrants.

SEC. 7. This Act shall take effect immediately.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on

this day adopted Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 8 of Article XII of the Constitution of the State of California, in relation to corporations.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Constitutional Amendment No. 2 referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 455—An Act to repeal an Act entitled "An Act to incorporate the town of Downieville," approved March 18, 1863, and to repeal an Act amendatory thereof entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Downieville,' passed March 18, 1863," approved March 31, 1866.

Also: Senate Bill No. 339—An Act to amend Section 3051 of the Civil Code of the State of California, in reference to liens for services, by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business.

Also: Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State, to abate any public nuisance in any way affecting him, or his family, or his property.

Also: Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 93—An Act to amend Section 3771 of the Political Code, relating to the sale of property for delinquent taxes.

Also: Senate Bill No. 94—An Act to amend Section 3807 of the Political Code, relating to the sale of property for uncollected taxes.

Also: Senate Bill No. 95—An Act to amend Section 3884 of the Political Code, relating to the use of abbreviations in the assessment of land, advertisement and sale thereof, for taxes.

Also: Senate Bill No. 96—An Act to amend Section 3899 of the Political Code, relating to the sale of property for delinquent taxes.

Also: Senate Bill No. 97—An Act to amend Section 3629 of the Political Code, relating to the assessment of property.

Also: Senate Bill No. 98—An Act to amend Section 3632 of the Political Code, relating to the powers of Assessors.

Also: Senate Bill No. 99—An Act to amend Section 3649 of the Political Code, relating to the assessment of property.

Also: Senate Bill No. 100—An Act to amend Section 3716 of the Political Code, relating to the judgment lien for uncollected taxes.

Also: Senate Bill No. 101—An Act to amend Section 3638 of the Political Code, relating to the assessment of consigned goods.

Have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute therefor do pass.

DAVIS, Chairman.

Senate Bills Nos. 455, 339, 297, 298, 93, 94, 95, 96, 97, 98, 99, 100, and 101 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 13—Relative to the restraint of interstate traffic in convict-made goods—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LAIRD, Chairman.

Senate Joint Resolution No. 13 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

"Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of W. O. Banks, Sergeant-at-Arms of the Assem-

bly, for the sum of \$129.08, the sum being for one half the expenses attending the Electoral College ceremonies in the Assembly Chamber on the 11th of January, 1901."

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—26.

NOES—None.

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Assembly Bill No. 22—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

MUENTER, Chairman.

Assembly Bill No. 22 ordered on file for second reading.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 79—An Act to repeal an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897, relating to the Department of Highways—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 390—An Act to provide for location, construction, and maintenance of a State Highway commencing at or near San Fernando, and running thence to connect with the road known as the Fort Tejon Road, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

LUCHSINGER, Chairman.

Senate Bill No. 79 ordered on file for second reading.

Senate Bill No. 390 referred to Committee on Finance.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance.

Also: Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 427—An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Labor and Capital.

Also: Senate Bill No. 368—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

SIMPSON, Chairman.

ON CORPORATIONS—(MINORITY).

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: A minority of your Committee on Corporations, to whom was referred Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LOUIS ONEAL.
R. J. WELCH.
A. E. NUTT.

Senate Bills Nos. 128 and 456 ordered on file for second reading.

Senate Bill No. 427 re-referred to Committee on Capital and Labor.

Senate Bill No. 368 re-referred to Committee on Judiciary.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 92—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Also: Senate Bill No. 365—An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 196—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California, against any person or persons, arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 92, 365, and 196 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Nutt: Senate Bill No. 484—An Act to amend Section 1 of "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891, approved March 31, 1897.

Bill read first time, and referred to Committee on Agriculture.

By Senator Lukens: Senate Concurrent Resolution No. 11—Directing the State Printer to print 30,000 copies of Concurrent Resolution No. 10, relative to welcoming the Epworth League International Convention, to be held in San Francisco, July 18 to 21, 1901.

Referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Bill passed on file, in absence of the author, to retain place on file.

Senate Bill No. 168—An Act entitled an Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys,

and courts, of cities and towns, and grout and rough rock for riprap work and restraining walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Having been read third time on a previous day.

Senator Lardner moved to refer to Senator Lukens, as a special committee of one, to amend as follows :

Amend by striking out all of Section 1 and inserting the following :

"SECTION 1. It shall be unlawful for the State Board of Prison Directors or the State Prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State in the manufacturing, cutting, or dressing any curbing or cross-walk material for street or sidewalk purposes, monuments, head-stones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State Prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county, or district roads."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 168—An Act entitled an Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts, of cities and towns, and grout and rough rock for riprap work and restraining walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act—with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to take up Senate Joint Resolution No. 13 for immediate consideration.

SENATE JOINT RESOLUTION No. 13.

Relating to the restraint of interstate traffic in convict-made goods.

WHEREAS, The following bill is now before the Senate of the United States, having passed the House of Representatives on May 21, 1900, viz :

56th Congress, 1st Session.

H. R. 5450.

In the Senate of the United States, May 23, 1900. Read twice, and referred to the Committee on Education and Labor.

An Act to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all goods, wares, and merchandise, manufactured wholly or in part by convict labor or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise

Passed the House of Representatives May 21, 1900.

Attest: A. McDOWELL, Clerk.

WHEREAS, Free labor and the manufacturing industries in the State of California

suffer particularly from the large importation and sale of convict-made goods, the product of other States; and

WHEREAS, This unjust and vicious competition can only be met by judicious legislation by our National Government; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we instruct our Senators and earnestly request our Representatives in Congress from this State to use every means in their power to secure the early passage and approval of the aforesaid bill, thereby enabling this State to furnish proper protection to its labor and manufacturing industries; and be it further

Resolved, That the Secretary of State is hereby instructed to forward certified copies of the foregoing resolutions to the Senators and Representatives from this State in the Fifty-sixth and Fifty-seventh Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentz, Nelson, Nutt, Plunkett, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 181 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selva, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Passed temporarily on file.

Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

Read third time.

Senator Lukens moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line two, the words "or war with Spain."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of

the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies—with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 124 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 161 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 14—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock, dogs, and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND-READING OF BILLS.

Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

SPECIAL ORDER SET.

On motion of Senator Simpson, the further consideration of Assembly Bill No. 284 was made special order for two o'clock P. M. of this day.

At ten o'clock and forty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Passed on file.

Senate Constitutional Amendment No. 1—Proposing that Section 14 of Article XIII of the Constitution, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, be amended by adding the proviso that the phrase "solely and exclusively for religious worship" shall not be construed to prevent such exemption because of meetings of religious societies, sacred concerts and entertainments given solely for the benefit of the church, being held therein.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 1 refused adoption by the following vote:

AYES—Senators Cutter, Goad, Plunkett, Taylor, Tyrrell of San Francisco, and Welch—6.
NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Flint, Greenwell, Laird, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Salvage, Shortridge, Simpson, Smith of Kern, and Smith of Los Angeles—24.

Senate Bill No. 200—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawnbroker and others, and specifying the penalty therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "police officer, police detective," in line eight, Section 1, first page, printed bill, and inserting in lieu thereof the words "Chief of Police, City Marshal, or any other person specially authorized in writing by either of them."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "the deputies or assistants in office," in lines nine and ten, first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.
Senate Bill No. 68—An Act to add a new section to the Penal Code

of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk-dealers, and persons acting as their agents.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the word "their" after the word "dealers" and before the word "clerks," in line seven, first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 146—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the figures "20" in line one hundred and thirty-one, fifth page, printed bill, and inserting in lieu thereof the figures "19."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 91—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and numbered as Section 402½, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette paper, or cigarette wrappers within the State of California, and fixing a penalty therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the fraction " $\frac{3}{4}$ " in the title of the bill, in line three, first page, printed bill, and inserting in lieu thereof the article "a."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the fraction " $\frac{3}{4}$ " in line five, first page, printed bill, and inserting in lieu thereof the article "a."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "their" in line seventeen, second page, printed bill, and inserting in lieu thereof the word "his."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "twenty" in line twenty-one, second page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by, under line twenty-eight, and opposite "this Act," on second page, printed bill, inserting "Section 2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "harbors" in line twenty-two, second page, printed

bill, and inserting in lieu thereof the words "public mooring places for water craft, public parks, including parks and other places covered by water."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting at the end of line sixty-nine, page three of the printed bill, the words "electric power lines, electric heat lines, and electric light, heat, and power lines."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Joint Resolution No. 11—Relative to the appointment of United States Senators by each State.

Joint resolution having been read on a previous day.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 11 refused adoption by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Curtin, Cutter, Davis, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Plunkett, Selvage, Tyrrell of Nevada, and Welch—16.

NOES—Senators Bettman, Burnett, Lukens, Nelson, Nutt, Oneal, Rowell, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—14.

ASSEMBLY JOINT RESOLUTION No. 6.

Relative to Government forest reserves.

Resolved by the Assembly and Senate of the State of California, jointly, That our Senators be instructed and our Representatives in Congress be requested to urge the enactment of such Acts of Congress as will result in the immediate reservation of all Government forest lands within the State of California, and that the present law permitting the surrender of lands in such reservation and the taking of other public lands in lieu thereof be repealed, and that provision be made for the purchase or condemnation of all private lands held within the exterior boundaries of any reservation.

Resolved, That the Clerk of the Assembly be and he is hereby instructed to mail a copy of this resolution, duly engrossed, to each of our Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 6 adopted by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senator Curtin—1.

Joint resolution ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 10.

Relative to passage of the Grout bill, now pending in the United States Senate.

WHEREAS, There is pending in the Senate of the United States a bill known as the Grout bill, having for its purposes the regulation of the manufacture and sale of oleomargarine or oleomargarine butter; and

WHEREAS, The dairymen of California are vitally interested in the passage of such bill, and that the operation of this bill would be very beneficial to the dairying industry of the State; therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That we respectfully urge the Senate of the United States to enact said bill at its present session.

Resolved, That the Chief Clerk of the Assembly and Secretary of the Senate be directed to immediately mail this resolution to the Honorable President of the Senate of the United States, and also to each of the Senators from the State of California in the United States Senate.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 10 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Flint,

Goad, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.
NOES—None.

Joint resolution ordered transmitted to the Assembly.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Rowell asked for and was granted unanimous consent to take up Senate Joint Resolution No. 12 for immediate consideration.

Senate Joint Resolution No. 12—Relative to attempted location of mineral oil lands as agricultural lands.

During the reading of joint resolution, the following amendments were submitted:

By the committee:

Amend by striking out the last four lines of the resolution and inserting the following:
"Resolved, That the Secretary of the Senate be instructed to immediately transmit a copy of this resolution by mail to the Secretary of the Interior and to our Senators and Representatives in Congress."

By Senator Rowell:

Amend by striking out after the fourth "whereas," the words "Most, if not all, of said applications to select said lands were made after they were well known to be oil mineral lands, and to fraudulently acquire said lands as agricultural lands and," and insert after the said fourth "whereas" and before the word "said," in line four, the words "certain of."

Also: Strike out after the letters "D. C.," in fifth "whereas," line three, the words "and we believe that said attempted selections of oil mineral lands as lieu lands under said Act of June 4, 1897, are palpably fraudulent, and that said attempts at locations in most instances were made and accepted only upon the filing of false affidavits in connection therewith;" and after the word "be," in line nine, the words "a gross fraud."

Also: Strike out the word "said" in line fifteen, of the first "Resolved," and insert in lieu thereof the word "any."

Joint resolution ordered to print, engrossment, and on file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 377—An Act to amend Section 1159 of the Civil Code, relating to notices of location of mining claims.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "judgments," at beginning of line three, Section 1, first page, printed bill, and inserting in lieu thereof the words "1159, a copy of any judgment."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "authenticated by the certificate of" in line four, Section 1, first page, printed bill, and inserting in lieu thereof the words "duly certified by."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "judgments were," in line 5, Section 1, first page, printed bill, and inserting in lieu thereof the words "judgment was."

Amendment adopted.

AMENDMENT No. 4.

Amend the title of said Act by striking out the words "notices of location of mining claims," first page, printed bill, and inserting in lieu thereof the words "judgments that may be recorded without acknowledgment."

Amendment adopted.

RECESS.

At twelve o'clock and five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selva, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

Quorum present.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set, being the second reading of Assembly Bill No. 284, the same was taken up.

Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

During the reading of bill, the following amendment was offered by Senator Shortridge:

Amend by striking out all of Section 1 on pages one and two and inserting in lieu thereof the following: "There shall be a board consisting of nine members, which shall be known as the Board of Medical Examiners of the State of California. The members of this board shall be appointed by the Governor of California, from various sections of this State, all of whom shall have been actively and legally engaged in the practice of medicine in the State of California for at least five years next preceding the date of their appointment. Of the said nine members, five shall be selected from the regular or Allopathic school, two from the Homeopathic, and two from the Electric school of medicine. The term for which the members of said board shall hold office shall be four years, except that three of the members of the board first to be appointed under this Act shall hold their term of office for the term of one year, two for the term of two years, two for the term of three years, and two for the term of four years, and until their successors are duly appointed and qualified. It shall require the affirmative vote of six members of said board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize the issuance of any certificate to practice medicine or surgery as in this Act provided."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Simpson, Oneal, and Curtin.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Curtin, Oneal, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—7.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Taylor, Tyrrell of Nevada, and Welch—23.

By Senator Oneal:

Amend by inserting after the words "Los Angeles" in line twenty-six, Section 3, the words "and in one daily newspaper published in the City of San José."

Amendment lost.

Also: Amend by striking out of Section 3, line twenty-one, all after the word "Board," down to and including the words "Los Angeles," in line twenty-six.

Amendment lost.

By Senator Smith of Kern:

Amend by striking out all of lines one hundred and eight, one hundred and nine, one hundred and eleven, one hundred and twelve, Section 10, printed bill.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Leavitt, Oneal, and Wolfe.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Leavitt, Oneal, Shortridge, Simpson, Smith of Kern, and Tyrrell of San Francisco—6.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nutt, Plunkett, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Welch—25.

By Senator Wolfe:

Amend Section 11 by adding to the end of the section the following: "*provided*, that no moneys shall be expended other than for the per diem of the board, or any expense incurred, without first having obtained the approval of the State Board of Examiners."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Wolfe, Oneal, and Tyrrell of San Francisco.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Oneal, Shortridge, Simpson, Tyrrell of San Francisco, and Wolfe—5.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Lukens, Maggard, Nutt, Plunkett, Rowell, Selvage, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—22.

By Senator Belshaw:

Amend Section 11 by striking out all of Section 11 after the word "into," in line twelve of said section, and inserting in lieu thereof the words "the fund of the State Board of Health."

Amendment lost.

By Senator Curtin:

Amend by striking out of Section 16 all of subdivision four thereof, commencing on line fourteen, down to and including the word "disease," in line twenty-one.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Curtin, Simpson, and Lukens.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Belshaw, Curtin, Luchsinger, Oneal, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—12.

NOES—Senators Bettman, Burnett, Byrnes, Corlett, Davis, Flint, Laird, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, and Welch—17.

By Senator Shortridge:

Amend by striking out of Section 16, line forty, all after the word "State," and inserting the following in lieu thereof: "Nor shall this Act apply to surgeons of the United States Army, Navy, or Marine Hospital Service in the discharge of their official duties, or to any person who ministers to or treats the sick or suffering by mental or spiritual means, without the use of any drug or material remedy."

Amendment pending.

SPECIAL ORDER SET.

On motion of Senator Simpson, the further consideration of Assembly Bill No. 284 and pending amendment was made special order for to-morrow morning immediately after reading of the Journal.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 474—An Act to prevent fraud in the sale of Paris green as an insecticide.

Also: Concurred in Senate amendments to Assembly Joint Resolution No. 6—Relative to Government forest reserves.

Also: Concurred in Senate amendments to Assembly Joint Resolution No. 10—Relative to passage of the Grout bill, now pending in the United States Senate.

Also: Concurred in Senate amendments to Assembly Bill No. 14—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock, dogs, and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof.

Also: Concurred in Senate amendments to Assembly Bill No. 8—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction and repair of roads to the State Prison at San Quentin.

Also: Adopted Senate Joint Resolution No. 13—Relative to the restraint of interstate traffic in convict-made goods.

Also: Passed, as case of urgency, Assembly Bill No. 656—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fourth session.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 474 read first time, and referred to Committee on Agriculture.

Senate Joint Resolution No. 13 ordered to enrollment.

Assembly Bill No. 656 read first time.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found correctly reengrossed Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

NELSON, Chairman.

Senate Bill No. 220 ordered on file for passage.

RESOLUTION—(CASE OF URGENCY).

By Senator Leavitt:

Resolved, That Assembly Bill No. 656 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended, the resolution adopted, and Assembly Bill No. 656 declared a case of urgency by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Salvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—31.

NOES—None.

Assembly Bill No. 656—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fourth session.

Bill read second and third times.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 656 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred to committees as indicated:

By Senator Belshaw: Senate Bill No. 485—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 486—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Oneal: Senate Bill No. 487—An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 488—An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 489—An Act to amend Section 1552 of the Code of Civil Procedure of the State of California, relating to the administration of the estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 490—An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 491—An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees.

Bill read first time, and referred to Committee on Judiciary.

By Senator Corlett: Senate Bill No. 492—An Act to amend Section 331 of the Penal Code, relating to the use or rental of any house or lot for the purpose of gaming, and prohibiting such use, and fixing the penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 493—An Act to amend Section 330 of the Penal

Code, relating to the prohibition of gaming and fixing the penalty therefor.

Bill read first time, and referred to Committee on Corporations.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Senator Muenther, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 7, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenther, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Wednesday, February 6, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, February 1, 1901, having been previously read and corrected, was approved.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for consideration of the special order heretofore set, being the further consideration of Assembly Bill No. 284, the same was taken up.

SECOND READING OF BILL.

Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

The following amendment, offered by Senator Shortridge, was pending:

Amend by striking out of Section 16, line forty, all after the word "State," and inserting the following in lieu thereof: "Nor shall this Act apply to surgeons of the United States Army, Navy, or Marine Hospital Service in the discharge of their official duties, or to any person who ministers to or treats the sick or suffering by mental or spiritual means, without the use of any drug or material remedy."

Also by Senator Shortridge:

Amend the amendment by striking out all after the words "nor shall this Act apply to," the following "surgeons of the United States Army, Navy, or Marine Hospital Service in the discharge of their official duties, or to."

Amendment to the amendment adopted.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Oneal, Simpson, and Wolfe.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Belshaw, Burnett, Nutt, Oneal, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, and Wolfe—9.

NOES—Senators Ashe, Bettman, Byrnes, Corlett, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Pace, Plunkett, Rowell, Smith of Los Angeles, and Welch—19.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bill correctly engrossed:

Senate Bill No. 200—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

NELSON, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 290—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands.

Also: Senate Bill No. 476—An Act making an appropriation to pay the County of Alameda for the support of orphans, half orphans and abandoned children during the half year ending June 30, 1898.

Also: Assembly Bill No. 21—An Act to appropriate the sum of \$455.38 to pay the claims and expenses of certain battalion officers, and officers and men of Companies B and D, Second Infantry Regiment, National Guard of California, for active services rendered at Colusa, Cal.

Also: Assembly Bill No. 63—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Also: Assembly Bill No. 163—An Act making an appropriation to pay the deficiency for transportation of insane, and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 356—An Act making an appropriation to pay the claim of Bateman Bros. for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

Also: Senate Bill No. 26—An Act to appropriate the sum of \$454.93 to pay the claims and expenses of certain battalion officers, and officers and men of Companies B and D, Second Infantry Regiment, N. G. C., for active services rendered in defending prisoners from mob in the Colusa county jail in August, 1897.

Also: Senate Bill No. 62—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Also: Senate Bill No. 203—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by authors.

S. C. SMITH, Chairman.

Senate Bills Nos. 290, 476, and 356, and Assembly Bills Nos. 21, 63, and 163 ordered on file for second reading.

In accordance with the above report, Senate Bills Nos. 26, 62, and 203 were withdrawn and ordered stricken from the file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 104—An Act to amend Section 1170 of the Penal Code, relating to exceptions that may be taken by the defendant on the trial of an indictment or information—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 146—An Act to amend Sections 974, 975, 976, 977, and 980 of the Code of Civil Procedure, relating to appeals from the Justices' and Police Courts to the Superior Court—have had the same under consideration, and respectfully report the same back without recommendation.

DAVIS, Chairman.

Senate Bills Nos. 104 and 146 ordered on file for second reading.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 453—An Act to provide for the location, construction, and maintenance of a State highway commencing at a point in Contra Costa County at or near the residence of W. H. Buckley, on the Fish Ranch Road, and running thence to the western end of what is known as Kennedy's Tunnel, in Alameda County; creating the Alameda-Contra Costa Highway Fund; prescribing the duties of various officers in connection therewith, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

LUCHSINGER, Chairman.

Senate Bill No. 453 referred to Committee on Finance.

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Senate Bill No. 120—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Senate Bill No. 120 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of fifty-one and forty five one-hundredths dollars (\$51.45), in payment of the following bill, and the Treasurer is directed to pay the same:

F. R. Pulford \$51 45

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Davis, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, O Neal, Pace, Plunkett, Rowell, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of Frank J. Brandon, Secretary of the Senate, for the sum of six hundred eighty-seven and fifty one-hundredths dollars (\$687.50), in payment of the following bills, and the Treasurer is directed to pay the same:

H. S. Crocker Company (corrected bill).....	\$552 75
H. S. Crocker Company	100 00
H. S. Crocker Company	16 00
H. S. Crocker Company	18 75
Total	\$687 50

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Cutter, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Welch, and Wolfe—26.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Caldwell: Senate Constitutional Amendment No. 13—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 8 of Article I thereof, relating to offenses.

Referred to Committee on Constitutional Amendments.

By Senator Flint: Senate Bill No. 494—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 26, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation.

Bill read first time, and referred to Committee on Banking.

By Senator Pace: Senate Bill No. 495—An Act to prohibit the payment of any bond, or the interest coupon of any bond, and to prevent the commencement of any action, or the rendering or enforcing of any judgment, for the payment of any bond or interest coupon of any bond, of any county, city, city and county, town, township, or district in the State of California, until the taxes upon such bond or coupons have been fully paid; also providing for the taxing of bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 496—An Act entitled "An Act to amend Section 3494 of the Political Code of the State of California," providing for the amount of the purchase price and the time and terms of payment of school lands belonging to the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 497—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor.

Bill read first time, and referred to Committee on Agriculture.

Also: Senate Bill No. 498—An amendment to an Act entitled "An Act to establish a uniform system of county and township govern-

ments," approved April 1, 1897, by amending Section 200 thereof, relating to county officers, their compensation and expenses, in counties of the forty-third class.

Bill read first time, and referred to Committee on County Governments.

By Senator Smith of Kern: Senate Concurrent Resolution No. 12—Relative to providing a special file for Senate and Assembly bills.

Referred to Committee on Rules.

By Senator Tyrrell of San Francisco: Senate Bill No. 499—An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II, thereof, relative to contesting elections, said section to be numbered 1128.

Bill read first time, and referred to Committee on Elections.

By Senator Taylor: Senate Bill No. 500—An Act to amend Sections 419, 437, 447, 449, and 450 of the Civil Code, relating to insurance corporations.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 501—An Act to amend Section 604 of the Political Code of the State of California, relating to the office of Insurance Commissioner.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Corporations.

By Senator Burnett: Senate Bill No. 503—An Act to amend an Act entitled "An Act to regulate the sale of certain poisonous substances," approved April 16, 1889.

Bill read first time, and referred to Committee on Corporations.

By Senator Tyrrell of Nevada: Senate Bill No. 504—An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Corporations.

By Senator Smith of Los Angeles: Senate Bill No. 505—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read first time, and referred to Committee on Health.

Also: Senate Bill No. 506—An Act to regulate contracts on behalf of the State in relation to erections and buildings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 507—An Act to regulate the practice of architecture.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Passed on file and ordered to foot of file.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Passed on file and ordered to foot of file.

Senate Bill No. 200—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 200 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senator Maggard—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 146—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time, and passed temporarily on file.

Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain.

Read third time.

Senator Lukens moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line twenty-two, the words "public mooring places for water craft."

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Lukens, Oneal, and Tyrrell of San Francisco.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Curtin, Laird, Lukens, Oneal, Pace, Rowell, Tyrrell of San Francisco, and Wolfe—9.

NOES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—24.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—24.

NOES—Senators Curtin, Laird, Oneal, Tyrrell of San Francisco, and Wolfe—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 90 was this day finally passed.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were introduced:

By Senator Luchsinger:

Resolved, That three members of the Committee on Finance and three members of the Committee on Hospitals be and they are hereby granted a leave of absence for Saturday for the purpose of visiting the Home for Feeble-Minded Children at Glen Ellen, and Napa State Hospital at Napa, in order that the needs of these institutions may be inquired into and reported on, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

Ayes—Senators Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

Noes—None.

By Senator Cutter:

Resolved, That the State Printer be directed to print 500 additional copies of Senate Bill No. 447.

Resolution read and adopted.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Plunkett, Rowell, Shortridge, Simpson, Sims, Taylor, Tyrrell of San Francisco, and Welch—28.

Quorum present.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

Passed on file.

SECOND READING OF BILLS.

Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Passed on file, and, on motion of Senator Cutter, to retain place on file.

Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epilep-

tics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts, or parts of Acts, in conflict with the provisions of this Act," approved March 31, 1897.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting at the beginning of line twenty-three, page two, printed bill, the words "evidence of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 70—An Act to amend Section 600 of the Penal Code of California, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "twenty-five," in line four, Section 1, page one, printed bill, and inserting in lieu thereof the word "fifty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 244—An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same be kept," approved February 9, 1897.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "and shall pay a fine of not less than twenty-five dollars, nor more than five hundred dollars," in lines twenty, twenty-one, and twenty-two, Section 1, second page, printed bill, and inserting in lieu thereof a period after the word "misdemeanor."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "and shall pay a fine of not less than twenty-five dollars, nor more than five hundred dollars," in lines eighteen, nineteen, and twenty, Section 2, second page, printed bill, and inserting in lieu thereof a period after the word "misdemeanor."

Amendment adopted.

AMENDMENT No. 3.

Amend by adding after the word "same," in line five, Section 3, second page, printed bill, the words "Any person omitting to comply with the provisions of this section shall be adjudged guilty of a misdemeanor."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "the" in the enacting clause, before the word "Senate," first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 56—An Act to amend Section 530 of an Act to

establish a Political Code, relating to the office of Superintendent of State Printing, providing for the appointment of such officer by the Governor, and repealing an Act providing for the election of Superintendent of State Printing, approved March 10, 1891.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 56.

An Act to amend Section 503 of "An Act to establish a Political Code," relating to the office of Superintendent of State Printing, and providing for the appointment of such officer by the Governor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 530 of "An Act to establish a Political Code," relating to the office of Superintendent of State Printing, is hereby amended to read as follows:

Section 530. The Superintendent of State Printing shall be appointed and commissioned by the Governor of the State, and shall hold office during the pleasure of the Governor, and until his successor is appointed and qualified. He shall be a competent, practical printer, and before entering upon the discharge of the duties of his office, shall give a good and sufficient bond to the people of the State of California in the sum of ten thousand dollars, with two or more sureties, to be approved by the Governor, for the faithful performance of his duties, which bond shall be filed in the office of the Secretary of State. The present Superintendent of State Printing shall hold office until the expiration of the term for which he was elected.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 403—An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 63 and 64, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or election to a public office, making the same a criminal offense, and providing a penalty therefor.

During second reading of bill, the following amendment was offered by Senator Davis:

Amend by inserting the following after the title of the bill: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 147—An Act providing for the appointment and for fixing the bond and compensation and for specifying the duties, powers, and tenure of office of matrons for city and town jails and prisons where matrons therefor are not otherwise provided for.

Passed on file.

Senate Bill No. 148—An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, said new section to be known as Section 25½, and also to amend Section 89 of the above-entitled Act, all relating to the subject of matrons for county jails.

Passed on file.

Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1817, 1818, 1819, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools.

During second reading of bill, the following amendments were offered:

By Senator Leavitt:

Amend by striking out all after the word "furniture," in line one hundred and nine, Section 2, to and including the word "buildings," in line one hundred and ten.

Amendment adopted.

By Senator Lukens:

Amend by striking out of Section 27, line seven, *et seq.*, the words "from a list of names," etc., to and including "to be appointed," in line ten, same section.

The following amendment to the amendment was offered by Senator Belshaw:

Strike out all of Section 27 of the bill.

Amendment adopted.

Amendment to the amendment was accepted by Senator Lukens.
The question being on the adoption of the amendment as amended.
The same was adopted.

The following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of Section 4 of printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "July," in Section 16, line fifteen, thirteenth page, printed bill, and inserting in lieu thereof the word "May."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "July," in Section 16, line nineteen, thirteenth page, printed bill, and inserting in lieu thereof the word "May."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "July," in line twenty-five, thirteenth page, printed bill, and inserting in lieu thereof the word "May."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "July," in lines eleven and nineteen, Section 17, fourteenth page, printed bill, and inserting in lieu thereof the word "May."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words beginning with the word "twentieth," down to and including the word "conditions," in lines one hundred and fifty-five to one hundred and fifty-nine, both inclusive, eighteenth page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out Sections 28, 29, and 30 of printed bill, on pages twenty-two and twenty-three thereof.

Amendment adopted.

AMENDMENT No. 8.

Amend by renumbering Sections 5 to 35, inclusive.

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out of the title the numbers "1817," "1818," "1819," and "1849," and inserting after the number "1593" the number "1613."

Amendment adopted.

AMENDMENT No. 10.

Amend by inserting after Section 16 a new section, as follows:

"Sec. 17. Section sixteen hundred and thirteen of the Political Code of the State of California is hereby amended to read as follows:

"1613. The term of office of School Trustee is three years from the first day of May next succeeding his election."

Amendment adopted.

By Senator Leavitt:

Amend by striking out the words "the Teachers' Institute and," in lines eight and sixteen, page ten, printed bill, Section 11.

Amendment lost.

By Senator Curtin:

Amend by striking out of Section 18 all after the word "law," in line thirty-eight, page fifteen of printed bill; also lines thirty-nine, forty, forty-one, forty-two, forty-three, and to the word "pro" in line forty-four; also all of line forty-nine, after the word "year," and all of lines fifty and fifty-one.

Amendment adopted.

By Senator Belshaw:

Amend by striking out all of Section 20 of the bill.

Amendment lost.

By Senator Cutter:

Amend by striking out all of Section 23.

Amendment lost.

By Senator Belshaw:

Amend by striking out all of subdivision eleven, Section 2 of the bill, page six.

Amendment adopted.

By Senator Cutter:

Amend by renumbering the paragraphs of Section 2, lines one hundred and seventeen, one hundred and thirty, one hundred and thirty-three, and one hundred and thirty-eight so as to respectively read: "Eleventh, twelfth, thirteenth, fourteenth."

Amendment adopted.

By Senator Belshaw:

Amend by striking out in Section 18, lines twenty-three and twenty-four, all after the word "unless," in line twenty-three, page fifteen printed bill, and inserting the words "such furniture or apparatus has been adopted by the County Board of Education."

Amendment adopted.

Senator Rowell moved that the vote whereby the following amendment by Senator Curtin—Amend by striking out of Section 18 all after the word "law," in line thirty-eight, page fifteen of printed bill; also lines thirty-nine, forty, forty-one, forty-two, forty-three, and to the word "pro" in line forty-four; also all of line forty-nine, after the word "year," and all of lines fifty and fifty-one—was this day adopted be now reconsidered.

SPECIAL ORDER SET.

On motion of Senator Lukens, the further consideration of Senate Bill No. 54, and the motion of Senator Rowell to reconsider the vote whereby the amendment by Senator Curtin to the bill was this day adopted, was made special order for Friday, February 8, 1901, immediately after reading of the Journal.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred to committees as indicated.

By Senator Wolfe: Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent, and regarding the recording of notices of intention to sell certain personal property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Davis: Senate Bill No. 509—An Act to appropriate \$1,015 to pay the claim of Thomas D. Riordan for legal services rendered and expenses incurred by him in that certain action commenced in the Superior Court of the State of California, in and for the City and County of San Francisco, and which was therein entitled the People of the State of California, by Tirey L. Ford, Attorney-General, plaintiff, vs. Charles F. Curry, as Secretary of State of the State of California, No. 73,277, and decided on appeal by the Supreme Court of the State of California, and therein entitled the People of the State of California, plaintiff and appellant, vs. Charles F. Curry, as Secretary of State of the State of California, defendant and respondent, and numbered San Francisco No. 2442.

Bill read first time, and referred to Committee on Finance.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Senate Concurrent Resolution No. 12—Relative to special file of Senate and Assembly bills—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BETTMAN, Chairman.

SUSPENSION OF RULES.

Senator Smith of Kern moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

SENATE CONCURRENT RESOLUTION NO. 12.

Resolved by the Senate, the Assembly concurring, That on and after the 11th day of February, 1901, the Senate and Assembly shall adopt and provide a special file upon which shall be placed: In the Senate only Assembly bills that have passed the Assembly, and in the Assembly only Senate bills that have passed the Senate. Such files shall be taken up at two o'clock P. M. of each day, and be considered for one and one-half hours. This rule shall not be suspended in either house except by a two-thirds vote of such house.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Senate Bill No. 261—An Act authorizing and directing the State Board of Health to conduct examina-

tions relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Also: Assembly Bill No. 560—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance.

Also: Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Also: Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885."

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Assembly Bill No. 240—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAGGARD, Chairman.

Senate Bill No. 264 and Assembly Bill No. 560 referred to Committee on Finance.

Senate Bills Nos. 310 and 319 and Assembly Bill No. 240 ordered on file for second reading.

ON HEALTH—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: The minority of your Committee on Health, to whom was referred Assembly Bill No. 560, hereby report, and recommend that said bill do not pass. Our reasons for so doing are, in part, as follows:

In 1893 the Legislature passed an Emergency Act, during the excitement attending the introduction of cholera into our Eastern coasts, creating a fund of \$50,000, to be used by the State Board of Health, under the direction of the Governor.

In seven years, there were used of this fund \$12,595.44. Since the beginning of 1900, there have been used \$9,201.73, leaving a balance in the fund of \$28,202.93. This, in our judgment, is sufficient to meet any emergency likely to arise in the near future, and if an emergency should arise, the State Board of Examiners would have the power to authorize the necessary expenditures.

The raising by taxation of \$100,000 at this time for possible, but improbable, use, we consider inadvisable, and calculated to augment the feeling of uncertainty and fear in California and elsewhere relative to health conditions in San Francisco.

CHESTER ROWELL.
H. L. PACE.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 6, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers, presumed fraudulent, and regarding the recording of notices of intention to sell certain personal property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 508 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 410—An Act to increase the revenue of the State of California by imposing a license tax on the business of selling spirituous, vinous, or malt liquors in the State of California, and providing for the regulation of such business and the collection of such license taxes—have had the same under consideration, and respectfully report the same back, and recommend that further consideration of bill be indefinitely postponed.

Also: Senate Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, to reenact Section 3859 of said Code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said Code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Judiciary.

Also: Senate Bill No. 446—An Act to amend Sections 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862 of the Political Code of the State of California, relating to the collection of poll tax—have had the same under consideration, and respectfully report the same back, and recommend that consideration be postponed for one week.

ONEAL, Chairman.

Senate Bills Nos. 410 and 331 ordered on file for second reading.

Senate Bill No. 483 referred to Committee on Judiciary.

Consideration of Senate Bill No. 446 postponed for one week.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Joint Resolution No. 13—Relative to the restraint of interstate traffic in convict-made goods—and report that the same has been correctly enrolled; and presented the same to the Governor on this 7th day of February, 1901, at one o'clock and fifteen minutes P. M.

NELSON, Chairman.

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Senate Bill No. 13—An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Senate Bill No. 13 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 250—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Also: Senate Bill No. 436—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby.

Also: Assembly Bill No. 91—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TAYLOR, Chairman.

Senate Bills Nos. 250, 252, and 436 and Assembly Bill No. 91 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 308—An Act to amend Section 1970 of the Civil Code of the State of California, in relation to the obligations of employers.

Also: Senate Bill No. 309—An Act to add a new section to the Civil Code of the State of California, to be known as Section 1972 of the Civil Code of the State of California, in relation to the obligations of employers.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Judiciary.

Also: Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 427—An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age.

Also: Senate Bill No. 429—An Act to define the duties and liabilities, and to limit the powers of employment agents.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

BYRNES, Chairman.

Senate Bills Nos. 308 and 309 referred to Committee on Judiciary.

Senate Bills Nos. 434, 427, and 429 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

By Senator Maggard:

Resolved, That the members of the special committee of two from the Senate Committee on Hospitals, one from the Committee on Health, three from the Committee on Reformatories, and two unattached, ordered to visit and inquire into the needs of the several institutions located in Southern California, be reimbursed for the actual traveling expenses to the amount of \$917.20, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and that the same be charged to the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and ordered printed in the Journal:

REPORT OF THE SPECIAL COMMITTEE OF THE SENATE INVESTIGATING STATE INSTITUTIONS IN SOUTHERN CALIFORNIA.

Your special committee, to whom was referred the following:

"Resolved, That Senators Rowell and Laird, of the Committee on Hospitals; Senators Maggard and Pace, of the Committee on Health; Senators Fred M. Smith, Devlin, and Bettman, of the Committee on Reformatories; and Senators Caldwell of San Bernardino, and Welch of San Francisco, be and they are hereby granted leave of absence for one week for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, and the Normal School and Quarantine Station at San Diego, in order that the needs of these various institutions may be thoroughly inquired into and reported in detail to the Senate, and that they be allowed their actual expenses."

Be left to report as follows:

Your committee left Sacramento on January 26th, arriving at Whittier on January 28th, at 11 A. M., where organization was perfected at the State School by the selection of Senator W. F. Maggard as chairman, and Albert Searl as clerk of the committee. The work of inspection of the various institutions enumerated in the resolution as adopted by the Senate was then mapped out in detail. Your committee began its labors at the Whittier State School, and spent twenty-four hours inspecting the male and female departments of that institution, which is located at Whittier, twenty miles south of Los Angeles. The school is situated on a tract of one hundred and sixty acres, the boys' department and the administration buildings being located on the west end of the tract, and the girls' department half a mile away, on the east end of the tract.

This institution has been laboring under a great disadvantage for the past eighteen months, owing to the burning of the refectory building, in which was located the dining-room for the boys and the dining-room for the officers, as well as the kitchen, bakery, butcher-shop, commissary department, and various other offices. The two houses of the Legislature have, during the present session, enacted the necessary legislation, appropriating \$15,000 for the restoration of this burned building, and the Governor has signed the same. The emergency in this matter, reported to the Senate in the early days of the present session, was not in any way exaggerated.

The object of the Whittier State School is to care for boys and girls who through vicious surroundings, or because of other reasons, have shown a tendency toward incorrigibility and crime; give them thorough discipline in work, military training, and a common school education. From careful observation the members of this committee believe that this institution is fulfilling its object. The school is at present hampered by having inadequate accommodations and equipment for teaching blacksmithing, carpentry, and house and carriage painting. The Board of Trustees expect the State

at this time to grant the necessary appropriations for building and equipment for the purposes stated. It was a surprise to the members of this committee to note the interest which the boys took in their work in all of these departments, and we believe it to be the duty of the State to foster this line of education. The military training in connection with the boys' department has undoubtedly an excellent influence, and it was reported to us that nearly one hundred of the boys of the school had been in the army and the navy in the Philippines, their training at the school having gained them a preference when they went to enlist. The institution has its own farm and dairy, and the boys are learning practical work in these lines. The trustees are requesting at this time a small appropriation for additional livestock, and the same, if the condition of the State's finances justify the outlay, should be granted.

Girls' Department.

In the girls' department of the school your committee found everything scrupulously clean, and the pupils apparently bright and happy. Besides being taught sewing, laundry work, cooking, and other domestic branches, the girls are given a common school education, and those showing exceptional talent are taught the rudiments of vocal and instrumental music.

There is, in our opinion, no work which the State of California is doing that is more necessary and profitable than this work of giving these unfortunate boys and girls a fair chance in life, which is the aim and work of the Whittier State School.

The State Normal School and the U. S. Quarantine Station at San Diego.

Your committee visited San Diego on January 29th, and on the same day made a thorough inspection of the Quarantine Station and the Normal School there located. The former is entirely under the jurisdiction of the General Government, and its management and operation appeared to be all that could be desired. There has not been at San Diego that friction between certain officers of the United States Government and of the State of California that has recently been noticeable elsewhere.

The San Diego Normal School has a slightly location, commanding a beautiful view of the surrounding country, and of fairly easy access. The institution has now been in operation for nearly four years, and it appears to be filling a long-felt want. Its present needs are estimated by those in authority to include: One room for kindergarten purposes, two rooms for manual training, three rooms for museum, and four for physical training. The first three branches are at present omitted, owing to lack of space, and the physical training is given out of doors. The drawing, clay-modeling, and chemistry classes now meet in a temporary wooden building. The school was opened November 1, 1898, with 83 students, and the total enrollment for the first year was 135 students; the total for the second year was 218 students, and the enrollment on January 1, 1901, 234 students. The management of the school expected that the present enrollment would be increased in February, by the admission of the second term class, to 260 or more. The total number of graduates to date has been 26, all of whom are teaching in the public schools of this State.

The estimates for the next two fiscal years aggregate \$43,500, which sum includes a proposed new west wing to cost \$35,000; architects' and other building fees about \$3,500, and \$5,000 for equipment. A new assembly room has been asked for, as provided in the original plans of the building, to cost, with furnishing and equipment, \$4,000. A new library is desired at a cost of \$1,000, and a plan for ventilating and heating the entire building, to cost \$10,000. For the improvement of the grounds the sum of \$2,500 is requested—making a total of \$81,000. The people of San Diego have promised assistance in beautifying the school grounds.

The State Hospital at Highlands.

One of the best managed and most intelligently conducted public institutions of the State is the Hospital, or Insane Asylum, located at Highlands, near Patton Station, on the Southern California Railway, in San Bernardino County, and your committee desires at this time to express its gratification, and to commend the work of the management of this particular institution.

The asylum at the time of our visit contained a total of 600 patients, of which number we found 49 sleeping on the floors, 25 sleeping in the basement, and a large number in the corridors and hallways, the circles between the two wings being entirely filled. The total number of patients sleeping on the floors aggregated 86, of whom 37 were women and there are enough of these unfortunates to fill a new ward building as soon as completed. The completion of one additional wing would therefore leave the hospital in about its present condition, and those in control would soon again be compelled to fall back once more on the ward floors and basements for relief.

The estimates for maintenance during the next two fiscal years include \$110,000 for salaries. The present salary appropriation is \$3,815 a month, and the necessities of the institution, according to the management, demand a painter, a landscape gardener, assistant baker, assistant physician, and at least twelve additional attendants for the new wing. The medical staff of the institution at this time consists of a superintendent and one assistant. For maintenance the sum of \$6,542 per month is asked, as against \$5,416.66 per month, which is the present appropriation, the increase being based upon the expected increase of patients in the institution during the next two years, at the rate of \$150 each, per year.

The hospital requires a storm drain, which is badly needed, and would be, when completed, a protection to a most valuable piece of State property. New boilers are also

needed, those now in use being badly shaken, loose, and apt to go to pieces at any time. The unfinished appearance of the building and the need, apparent to the committee, for a structure for business and administrative purposes, leads us to believe that this should be constructed as soon as possible.

State Normal School at Los Angeles.

Your committee visited this institution on January 31st. The school is one of the oldest in the State, being in charge of Edward T. Pierce, LL.B., Ph.D., as president. There are students enrolled from all parts of the country, and the total number of graduates were, up to June 30, 1900, 1,129. The school is located within a few minutes' ride of the business portion of the city of Los Angeles, and the management appeared, to us, to be all that could be desired. A single appropriation of \$10,000 is desired for gymnasium purposes, the \$20,000 appropriated for this purpose two years ago being still unexpended, as it was found at the time to be entirely inadequate.

The school asked only for what is absolutely necessary to carry out the provisions of the bill passed in 1899, viz., to enlarge its practice school quarters and provide for new rooms for manual training. At present, in several instances, three teachers are using two rooms, making it necessary to shift work in such a way as to keep them from interfering with each other.

There are many other pressing needs of the school, which are not asked for at this time. One great demand is for a new library building. At present the school has for library purposes only a small room 18x60 feet, and this is for the accommodation of 600 students. It is necessary to distribute books in different rooms far apart from each other, making it very inconvenient for study and for reference. The school needs one large library, where all the students can go for work at the same time, if necessary.

There is need of a new heating plant, that will serve all parts of the institution. At the present time, the old part of the building is heated by stoves. The new part of the main building, built eight years ago, is heated by hot air from a boiler and engine in the basement. This is not adequate for both heating and ventilation, besides being somewhat dangerous to the building, placed where it is. The chemical laboratory is heated by a stove, and the gymnasium is not heated at all, not even in the dressing rooms. It will be necessary, as soon as possible, to put in a new heating plant outside of the buildings and to serve them all. This will be cheaper, much more efficient, safer, and more satisfactory generally.

These improvements are not asked for at this time, because of the necessity for keeping down State expenses. The appropriation for \$10,000 would not have been asked for had there not been such a great increase in price of material since the last sum became available, thus making it impossible to carry out the provisions of the bill enacted two years ago.

In Conclusion.

Your committee desires to call attention to the fact that while the practice heretofore in this Senate has been to send out upon tours of investigation committees larger in number, the practice of selecting two or three members from each of the several committees, who will later have the various subjects affected in charge, appears to us to be the most desirable, both as a measure of economy to the State, as well as when viewed in the light of the results generally desired to be accomplished. It appears to us eminently proper that the members of this Senate, especially the particular committees having in charge the matters treated in this report, should be able to judge of the necessities of the various institutions of the State desiring aid, financial or otherwise, at the hands of this Senate, and it appears to us that this information can only be obtained at first hand through the means of personal observation.

Respectfully submitted.

J. F. LAIRD,
For the Committee on Hospitals.

W. F. MAGGARD,
For the Committee on Health.

FRED M. SMITH,
For the Committee on Reformatories.

Also: A. A. CALDWELL,
R. J. WELCH.

ALBERT SEARL, Clerk.

RESOLUTION.

By Senator Maggard:

Resolved, That the report of the Special Committee on Investigation of State Institutions in Southern California, submitted herewith, be printed in the Journal, and the various suggestions and recommendations contained therein be referred to Senate Committee on Finance for its guidance and final action.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 8, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Salvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Thursday, February 7, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, February 4, 1901, having been previously read and corrected, was approved.

CONSIDERATION OF SPECIAL ORDER TEMPORARILY POSTPONED.

On motion of Senator Smith of Kern, the consideration of the special order heretofore set for this hour was temporarily postponed.

COMMUNICATION.

The following communication, received by the President of the Senate, was read, and ordered printed in the Journal:

OFFICE OF CLERK OF THE BOARD OF SUPERVISORS, }
SAN FRANCISCO, February 6, 1901. }

HON. JACOB H. NEFF, *President of the Senate*:

DEAR SIR: Your attention is hereby respectfully called to the following resolution, No. 1242, adopted by the Board of Supervisors of the City and County of San Francisco, at a meeting held February 4, 1901:

WHEREAS, The Legislature is now entertaining measures to establish a State quarantine service, involving the appropriation of \$100,000 of public money, thus imposing a burden on the taxpayers of the State, and also providing for an additional tax on shipping; and

WHEREAS, There is no necessity nor demand either from the people or the commercial interests for such legislation, but, on the contrary, there is general and organized opposition to it; and

WHEREAS, It is the policy of the city and State to encourage shipping, which, under the proposed bills, will have to pay fees and tolls, already onerous and oppressive; and

WHEREAS, The Federal Government has just equipped a detention station at this port at a cost of \$150,000, and spends annually \$50,000 for its maintenance; and

WHEREAS, The Federal Quarantine Service, especially in view of our increased intercourse with the Orient, is an assurance to other States and to the people of the country that the public health will be protected against the dangers of imported disease, which recently afflicted Honolulu and Sydney, and therefore is valuable to the State of California and the City of San Francisco and their business, commercial, and tourist interests; and

WHEREAS, A dual service, Federal and State, is productive of unseemly friction, is costly, burdensome, and unnecessary; therefore, be it

Resolved by the Board of Supervisors of the City and County of San Francisco (the community most interested in the proposed legislation), That for these reasons the

Legislature be and it is hereby memorialized not to pass the bills now before it appropriating moneys, imposing a tax on shipping, and providing for the appointment of State quarantine officers.

And the Clerk is hereby directed to advertise this resolution in the "Evening Post" newspaper.

In Board of Supervisors, San Francisco, February 4, 1901.

Adopted by the following vote:

Ayes—Supervisors Booth, Buxton, Brandenstein, Braunhart, Comte, Connor, Curtis, D'Ancona, Dwyer, Fontana, Hotaling, Jennings, McCarthy, Tobin, Wilson.

Absent—Supervisors Reed, Sanderson, Stafford.

JOHN A. RUSSELL, Clerk.

By JAMES E. DONAHUE, Assistant.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 296—An Act to amend Section 1777 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 297—An Act to amend Section 1770 of the Code of Civil Procedure of the State of California.

Also: Adopted Assembly Joint Resolution No. 2—Relative to Chinese immigration.

Also: Passed Assembly Bill No. 377—An Act to amend Section 1329 of the Penal Code, in relation to witnesses.

Also: Assembly Bill No. 303—An Act to add a new section to the Penal Code of the State of California, to be numbered 373½, relating to public nuisances.

Also: Assembly Bill No. 97—An Act to amend Section 1895 of the Political Code of the State of California, relating to persons subject to military duty, and to those who may constitute military organizations, in the military service of the State.

Also: Assembly Bill No. 186—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Also: Assembly Bill No. 212—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Assembly Bill No. 142—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by Chapter CCLXII of the Laws of 1897.

Also: Assembly Bill No. 139—An Act to amend Section 103 of the Code of Civil Procedure.

Also: Assembly Bill No. 140—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof.

Also: Assembly Bill No. 314—An Act to amend Section 180 of the Penal Code of the State of California, relating to the bringing into the State prisons or any of the reformatories therein, or within the grounds of such institutions, any opium, morphine, cocaine, or other narcotics, intoxicating liquors of any kind, or firearms, weapons, or explosives, and fixing the penalty thereof.

Also: Assembly Bill No. 19—An Act to appropriate \$1,015 to pay the claim of Thomas D. Riordan for legal services rendered and expense incurred by him in that certain action commenced in the Superior Court of the State of California, in and for the City and County of San Francisco, and which was therein entitled "The People of the State of California, by Tiley L. Ford, Attorney-General, plaintiff, vs. Charles F. Curry, as Secretary of State of California," No. 73,277, and decided on appeal by the Supreme Court of the State of California, and therein entitled "The People of the State of California, plaintiff and appellant, vs. Charles F. Curry, as Secretary of the State of California, defendant and respondent," and numbered San Francisco No. 2442.

Also: Assembly Bill No. 427 (Committee Substitute for Assembly Bill No. 122)—An Act to amend Section 3825 of the Political Code.

Also: Assembly Bill No. 279—An Act making an appropriation to pay the claim of Fred B. Blakeley for the arrest of Ygnacio Eisler for attempted highway robbery.

Also: Assembly Bill No. 369—An Act appropriating \$300 to pay the claim of George E. Dierssen, as assignee of George H. Stewart, for the arrest of W. H. Harrall, a highway robber (said Harrall being killed while resisting arrest).

Also: Adopted Committee Substitute for Senate Joint Resolutions Nos. 3, 4, and 5—Relative to Chinese and Japanese immigration to the United States.

Also: Passed Assembly Bill No. 230—An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and punish persons violating the provisions of this Act.

Also: Senate Bill No. 64—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Also: Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Also: Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry.

Also: Assembly Bill No. 105—An Act repealing Sections 1357 to 1383 of the Political Code, relating to primary elections.

Also: Senate Bill No. 269—An Act making an appropriation to pay the claims of certain employes of the State Printing Office.

Also: Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Also: Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture for the fiftieth fiscal year.

Also: Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation in stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

And that on February 2, 1901, the Assembly concurred in Senate amendments to Assembly Bill No. 39—An Act to add a new section to the Penal Code, to be numbered 499½, relating to the stealing of electric current, and the injuring of electric wires or appliances, and providing a punishment therefor.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 296 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 297 read first time, and referred to Committee on Judiciary.

Assembly Joint Resolution No. 2 referred to Committee on Federal Relations.

Assembly Bill No. 377 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 303 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 97 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 166 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 212 read first time, and referred to Committee on County Governments.

Assembly Bill No. 142 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 139 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 140 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 314 read first time, and referred to Committee on Prisons.

Assembly Bill No. 19 read first time, and referred to Committee on Finance.

Assembly Bill No. 427 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 279 read first time, and referred to Committee on Finance.

Assembly Bill No. 369 read first time, and referred to Committee on Finance.

Assembly Bill No. 230 read first time, and referred to Committee on Health.

Assembly Bill No. 105 read first time, and referred to Committee on Elections.

Committee Substitute for Senate Joint Resolutions Nos. 3, 4, and 5 ordered to enrollment.

Senate Bills Nos. 64, 37, 175, 269, 49, 48, and 47 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bill correctly engrossed:

Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Also: That they have examined and found the following bills correctly engrossed:

Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawnbroker and others, and specifying the penalty therefor.

Senate Bill No. 68—An Act to add a new section to the Penal Code of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk-dealers, and persons acting as their agents.

Senate Bill No. 377—An Act to amend Section 1159 of the Civil Code, relating to judgments that may be recorded without acknowledgment.

Also: That they have examined and found the following bills correctly reengrossed:

Senate Bill No. 168—An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and grout and rough rock for rip-rap work and restraining walls on embankments; also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

NELSON, Chairman.

Senate Bills Nos. 67, 68, and 377 ordered on file for third reading.

Senate Bills Nos. 168 and 216 ordered on file for passage.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Senate Bill No. 435—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1596, relating to the furnishing by the wardens of the State prisons of the State of California, a photograph and a complete description of each convict sixty days before such convict is released from said State Prison—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 473—An Act adding a new section to the Political Code of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bills Nos. 435 and 473 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 421—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation and the consumers thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GREENWELL, Chairman.

Senate Bill No. 421 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was

referred Senate Constitutional Amendment No. 3—A proposed amendment to Article XIII of the Constitution, relative to exemption of bonds from taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 4—A proposed amendment to Section 6, Article IX of the Constitution, relative to public school system and support of public schools.

Also: Senate Constitutional Amendment No. 6—To propose an amendment to Section 8, Article XI of the Constitution, relating to charters.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted as amended.

CALDWELL, Chairman.

Senate Constitutional Amendments Nos. 3, 4, and 6 ordered on file.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of Frank J. Brandon, Secretary of the Senate, for the sum of \$82.50, in payment of the following bills, and the Treasurer is directed to pay the same:

Geo. B. Katzenstein, Jr.	\$45 00
Frank Jones	37 50
Total	\$82 50

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Flint, Greenwell, Hoey, Laird, Leavitt, Lukens, Maggard, Muentner, Nutt, Oneal, Rowell, Salvage, Shortridge, Sims, and Smith of Los Angeles—23.

NOES—None.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 82—An Act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State Hospitals) becoming a public charge upon the counties, or cities and counties, within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bills Nos. 179 and 82 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 271—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 333—An Act making an appropriation to pay the claim of William Cronan for extra work performed in the construction of the Union Depot and Ferry House at San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that substitute do pass.

Also: Senate Bill No. 272—An Act appropriating \$7,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital at Patton, California.

Also: Senate Bill No. 274—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 271, 272, 274, and 333 ordered on file for second reading.

ON FISH AND GAME

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Fish and Game to whom was referred Senate Bill No. 458—An Act for the protection of enclosed and unenclosed waters in the State of California, and to prevent persons entering thereon with firearms or traps for the purpose of hunting, poisoning, shooting or using guns, and to repeal all Acts on subject therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

A. A. TURRELL, CHAIRMAN.

Senate Bill No. 458 ordered on file for second reading.

ON HEALTH

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on Health to whom was referred Senate Bill No. 185—An Act to regulate the practice of veterinary in the State of California, and to provide for a State Board of Veterinary Examiners, and to enforce regulations to practice in this State and placed persons violating the provisions of this Act—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

MARGARET J. CHAIRMAN.

Senate Bill No. 193 ordered on file for second reading.

ON COUNTY GOVERNMENTS

SENATE CHAMBER, SACRAMENTO, February 5, 1901.

MR. PRESIDENT: Your Committee on County Governments to whom was referred Senate Bill No. 187—An Act to amend Section 1882 of the Political Code by increasing the number of years for which counties may be served.

Also, Senate Bill No. 459—An Act to amend Section 188 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers, and to the number and composition of board districts.

Also, Senate Bill No. 461—An Act to amend Sections 194 and 195 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also, Senate Bill No. 188—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of compensating the property and realty of any county in this State at located or foreign companies for the purpose of encouraging immigration and increasing trade in the products of the State.

Also, Senate Bill No. 189—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Also, Senate Bill No. 190—An Act to create and permanently locate the boundary line between the counties of Plumas and Tehama.

Also, Senate Bill No. 191—An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Also, Senate Bill No. 192—An Act to change and permanently locate the boundary line between the counties of Yuba and Plumas.

Also, Senate Bill No. 193—An Act to create and permanently locate the boundary line between the counties of Plumas and Lassen.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 186—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do be allowed to withdraw the same.

LUKENS, CHAIRMAN.

Senate Bills Nos. 178, 179, 180, 181, 182, 183, 200, 419, and 481 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Davis asked for unanimous consent to withdraw Senate Bill No. 184.

Consent granted.

Bill withdrawn and ordered stricken from the file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Sims: Senate Bill No. 510—An Act to establish the California State Poultry Experimental Farm, and appropriating money therefor.

Bill read first time, and referred to Committee on Agriculture.

By Senator Luchsinger: Senate Bill No. 511—An Act regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of same.

Bill read first time, and referred to Committee on Prisons.

By Senator Flint: Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees, and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF SPECIAL ORDER.

The special order set for consideration this day immediately after reading of the Journal, and temporarily postponed—being the further consideration of Senate Bill No. 54 and the motion of Senator Rowell to reconsider the vote whereby the amendment by Senator Curtin was on yesterday adopted—was taken up.

Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1817, 1818, 1819, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools.

The motion of Senator Rowell to reconsider the vote whereby the following amendment by Senator Curtin was adopted was pending:

Amend by striking out of Section 18 all after the word "law," in line thirty-eight, page fifteen of printed bill; also lines thirty-nine, forty, forty-one, forty-two, forty-three, and to the word "pro" in line forty-four; also all of line forty-nine, after the word "year," and all of lines fifty and fifty-one.

The question being on the motion to reconsider the vote.

The same was reconsidered.

Senator Curtin asked for and was granted unanimous consent to withdraw the above amendment.

During the further reading of bill, the following amendments were offered:

By Senator Smith of Kern:

Amend by striking out of Section 18, subdivision six, and inserting in lieu thereof the following:

"Sixth—To employ teachers, and immediately notify the County Superintendent of Schools, in writing, of such employment, naming the credentials or certificates held by the teachers employed; also to employ janitors and other employés of the schools, to fix and order paid the compensation of teachers, janitors, and other employés, unless the same be otherwise provided by law; *provided*, that except in any city and county, or in cities having Boards of Education, Boards of Trustees shall meet between the fifth day of May and the fifth day of July of each year, and shall elect the teachers for the ensuing school year; *provided further*, that vacancies may be filled and additional teachers may be employed by the Board of Trustees at any subsequent time, as necessity may require; and *provided further*, that no Board of Trustees shall enter into any

contract to extend beyond the end of the current school year, except in the election of a teacher for the ensuing school year, as hereinbefore provided."

Amendment adopted.

By Senator Lukens:

Amend as follows: To line one hundred and forty-four, page seven of same bill (No. 54), add the following: "provided, that in grading the schools the Superintendent shall grade as grammar grade any school or class in which there are pupils pursuing studies beyond the fifth year of the school course."

Amendment adopted.

Also: Amend Senate Bill No. 54, page five, line ninety-one, after the word "valid," by inserting the following: "until the next meeting of the County Board of Education for the examination of applicants for teachers' certificates."

Amendment adopted.

By Senator Cutter:

Amend by striking out of Section 7, line four, the word "county," and by striking out of said Section 7 all after the word "State," in line nine, page eight, printed bill.

Amendment adopted.

By Senator Leavitt:

Amend by striking out the word "prescribed" in line sixty-eight, Section 18, page sixteen, printed bill, and inserting after the word "text-book," in said line sixty-eight, the following: "of the State series, copy-books, drawing and music books, and mental arithmetic."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Belshaw.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Belshaw, Corlett, Cutter, Davis, Leavitt, Luchsinger, Lukens, Maggard, and Tyrrell of Nevada—9.

NOES—Senators Ashe, Bettman, Burnett, Devlin, Flint, Goad, Hoey, Laird, Lardner, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvaige, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, and Wolfe—22.

By Senator Smith of Kern:

Amend by striking out all of subdivision eleven, Section 2, of the bill, and inserting in lieu thereof the following: "except in cities and cities and counties having a Board of Education, to pass upon and approve or reject all plans for school-houses, and to approve or reject orders for furniture, and accept for the district, when completed, all school buildings. To enable him to act in this matter, the Board of Trustees, before adopting any plans for school buildings or placing any order for school furniture or supplies, must submit the same to the County Superintendent of Schools for his approval."

POINT OF ORDER.

Senator Oneal raised the point of order that the substance of the above amendment was voted upon yesterday, and that the vote whereby it was lost must first be reconsidered.

The President pro tem. declared the point of order well taken.

The amendment was withdrawn by Senator Smith of Kern.

MOTION TO RECONSIDER.

Senator Smith of Kern moved to reconsider the vote whereby the amendment striking out all of subdivision eleven, Section 2 of the bill, page six, adopted yesterday, be now reconsidered.

The question being on the motion to reconsider the vote.

The same was lost.

By Senator Laird:

Insert in line eighty-five, page sixteen, Section 18, after the word "final," the following: "and the children shall be enumerated in the school census following in the district that they are so permitted to attend."

Amendment lost.

By Senator Tyrrell of Nevada:

Amend by inserting the words "except as provided in Section 1503, subdivision two, of the Political Code," before "every," in line three, Section 11, tenth page, printed bill.

Amendment lost.

By Senator Cutter:

Amend by adding the words "No person shall be eligible to teach in the common schools of the State unless he or she has been a bona fide resident of the State for at least four years."

Amendment lost.

BILL ORDERED TO PRINT.

On motion of Senator Smith, Senate Bill No. 54 was ordered to print, and to retain its place on second-reading file, for further consideration on second reading.

BILL WITHDRAWN FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Simpson, Senate Bill No. 91 was withdrawn from engrossment for the purpose of amendment.

Senate Bill No. 91—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be known and numbered as Section 402a, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette paper, or cigarette wrappers within the State of California, and fixing a penalty therefor.

The following amendment was offered by Senator Simpson:

Amend by striking out of Section 1, line three, page one, the words "two and three quarters," and inserting the article "a."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

APPOINTMENT OF COMMITTEE.

The President pro tem. announced the appointment of the following committee to visit the State Hospital for the Insane at Napa and the State Home for Feeble-Minded Children at Eldridge: Senators Rowell, Muentner, and Smith of Los Angeles, from standing Committee on Hospitals; and Senators Luchsinger, Curtin, and Leavitt, from standing Committee on Finance.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Cutter, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and adopted as amended, Senate Concurrent Resolution No 12, relative to providing a special file for Senate and Assembly bills.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 12?"

Amend by striking out the figures "11" and inserting in lieu thereof the figure "8."

The same was concurred in.

Senate Concurrent Resolution No. 12 ordered to enrollment.

SPECIAL ORDER SET.

On motion of Senator Devlin, the consideration of Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—was made special order for Wednesday, February 13, 1901, immediately after reading of the Journal.

MOTION TO POSTPONE RECONSIDERATION.

Senator Lukens moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—was on yesterday finally passed, be postponed until next legislative day.

The question being on the motion to postpone.

The ayes and noes were demanded by Senators Laird, Oneal, and Tyrrell of San Francisco.

The roll was called.

CALL OF THE SENATE DENIED.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that the motion to postpone was carried by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Curtin, Devlin, Hoey, Laird, Lardner, Lukens, Muentner, Oneal, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—19.

NOES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Selvage, Sims, and Tyrrell of Nevada—18.

LEAVE OF ABSENCE.

Senator Belshaw was granted a leave of absence until Monday, February 11, 1901, at two o'clock P. M., on his own motion.

Senator Byrnes was granted a leave of absence until Monday, February 11, 1901, at two o'clock P. M., on motion of Senator Oneal.

Senator Bettman was granted a leave of absence until Monday, February 11, 1901, at two o'clock P. M., on his own motion.

Senator Ashe was granted a leave of absence until Monday, February 11, 1901, at two o'clock P. M., on his own motion.

Senator Pace was granted a leave of absence for the day, on motion of Senator Cutter.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Assembly Bill No. 146—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 146 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Sims, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

Passed temporarily on file.

Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Read third time.

Senator Devlin moved to refer to Senator Rowell, as a special committee of one, to amend as follows:

Strike out of Section 16, subdivision four, down to and including line twenty-one, and insert the following: "Those who, for a pecuniary or valuable consideration, prescribe or use any drug or medicine, appliance or medical or surgical treatment, or perform any operation for the relief or cure of any bodily injury or disease."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—with instructions to amend, respectfully reports the same back, amended as per instructions.

ROWELL, Committee.

Report of special committee of one and amendment adopted.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

Quorum present.

LEAVE OF ABSENCE.

Senator Plunkett was granted leave of absence until Monday, February 11, 1901, on motion of Senator Welch.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Senator Sims moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by striking out of Section 16, line eleven, subdivision three, page eleven, the words "or any," and the comma after the word "medical."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one and amendment adopted.

Senator Shortridge moved to refer to Senator Simpson, as a special committee of one, to amend as follows:

Amend by striking out of Section 18, line two, page twelve, the word "July," and inserting the word "August."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMPSON, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 8—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Passed on file.

Assembly Bill No. 196—An Act entitled an Act to amend Sections 4 and 5 of an Act entitled "An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 82—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

During second reading of bill, the following amendments were offered by Senator Cutter:

Amend by striking out Section 1, lines one to thirteen, inclusive, and renumbering "Section 2" so as to read "Section 1."

Amendment adopted.

Also:

Amend by making "Section 3" read "Section 2."

Amendment adopted.

Also:

Amend title by adding these words: "by adding a new section thereto, to be numbered Section 12."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 259—An Act providing for the payment of certain costs and expenses incurred in the arrest, keeping, examination, and trial of any convict committed to either of the State prisons of the State of California, and of any inmate of the Whittier State School, or Preston School of Industry, including the costs of Coroners' inquests held on the body of any person confined in such prisons and schools.

Passed on file.

Assembly Bill No. 254—An Act to promote the apicultural interests of the State of California, by providing County Inspectors of Apiaries, and defining their duties and providing for their compensation, and repealing the Act entitled "An Act to authorize the Boards of Supervisors of the several counties of the State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding after the word "action," in line eighteen, the following: "*provided, that the owner shall have at least ten days in which to remove or eradicate such disease or cause of contagion.*"

Amendment adopted.

The following amendment was offered by Senator Davis:

Amend by striking out of Section 1, line eleven, page one of printed bill, the word "shall," and inserting the word "may."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 252—An Act to amend Sections 628, 632, and 635 of the Penal Code, and to add thereto a new section, numbered 636a, all relating to the preservation of fish.

Passed on file.

Assembly Bill No. 187—An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates, by providing for the designation of what proportion of the rates fixed is for annual reasonable expenses, and what proportion is for net annual receipts and profits.

Bill read second time, and ordered on file for third reading.

ASSEMBLY JOINT RESOLUTION No. 5.

Relative to United States geological surveys for irrigation purposes

Resolved by the Assembly and Senate of the State of California, jointly, That our Senators in Congress be instructed and our Representatives requested to urge upon the Congress of the United States that an early appropriation of not less than two hundred and fifty thousand dollars be made for irrigation surveys, with plans and estimates for cost of reservoirs, canals, and irrigation works in the arid States by the United States Geological Survey, and not less than one hundred thousand dollars for irrigation investigations by the Department of Agriculture of the United States.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Luchsinger, Maggard, Muenster, Nelson, Nutt, Selvage, Shortridge, Simpson, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Assembly Bill No. 137—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 22—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "and," after the word "Yuba," in line twenty-three, second page of printed bill, and inserting after the word "Bear," in line twenty-three, second page, printed bill, the word "Mokelumne."

Amendment adopted.

Bill read second time, ordered to print and third reading.

WITHDRAWAL OF BILL.

Senator Cutter asked for unanimous consent to withdraw Senate Bill No. 214—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Consent granted.

Senate Bill No. 214 withdrawn and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 21—An Act to appropriate the sum of \$455.38 to pay the claims and expenses of certain battalion officers, and officers and men of Companies B and D, Second Infantry Regiment, National Guard of California, for active services rendered at Colusa, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 63—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 163—An Act making an appropriation to pay the deficiency for transportation of insane, and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 91—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 240—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

During second reading of bill, the following amendment was offered by Senator Wolfe:

Amend by inserting at the end of Section 5, in line thirteen, page three of the bill, the following: "after having been audited and approved by the State Board of Examiners."

Amendment adopted.

On motion of Senator Wolfe, further consideration of Assembly Bill No. 240 was postponed, bill to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

Bill having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Senators Byrnes, Caldwell, Corlett, Cutter, Davis, Devlin, Flint, Goad, Hoey, Lardner, Luchsinger, Muentner, Nelson, Oneal, Selva, Simpson, Sims, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—21.

NOES—Senators Nutt and Shortridge—2.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Devlin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 220 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.
Passed on file.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Passed on file, and ordered to foot of file.

Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Passed on file.

SECOND READING OF BILLS—SPECIAL ORDER SET.

On motion of Senator Cutter, the consideration of Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor—was made special order for Monday, February 11, 1901, at three o'clock and thirty minutes P. M.

Senate Bill No. 147—An Act providing for the appointment and for fixing the bond and compensation and for specifying the duties, powers, and tenure of office of matrons for city and town jails and prisons where matrons therefor are not otherwise provided for.

Passed on file.

Senate Bill No. 148—An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, said new section to be known as Section 25½, and also to amend Section 89 of the above entitled Act, all relating to the subject of matrons for county jails.

Passed on file.

Senate Bill No. 4—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein pool-selling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track enclosure, fair grounds, or buildings, wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act.

Passed on file.

Senate Bill No. 302—An Act making an appropriation to pay the judgment for \$11,050 and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four, now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "immediately" in line one, Section 4, on second

page, printed bill, and inserting in lieu thereof the following: "from and after the first day of January, 1902."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

At three o'clock and forty-five minutes, Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 358—An Act making an appropriation for a State prize or trophy to be competed for at the third National Bundes Shooting Festival, which is to be held in Berkeley, County of Alameda, State of California, from July 14 to July 23, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 263—An Act authorizing the Secretary of State to appoint two additional clerks in his office in addition to the number now allowed by law, fixing the compensation of such clerks, and repealing Section 422 of the Political Code, relating to special clerks in the office of Secretary of State.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "and repealing Section 422 of the Political Code, relating to special clerks in the office of Secretary of State," in the title.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the figure "1," in line one, Section 1, the words "from the first day of May, 1901, to the first day of January, 1903."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 2, page one, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the figure "3," in line one of Section 3, page one, printed bill, and inserting in lieu thereof the figure "2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 361—An Act to amend Sections 1917, 1918, 1936, 1939, 1962, 1980, 1984, 2009, 2076, 2077, 2105; to repeal Section 1990; and to add new sections, to be known and numbered as Sections 1973a and 2106, all of and to the Political Code of the State of California, relating to the National Guard.

Passed on file.

Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

During second reading of bill, the following amendments were offered:
By Senator Cutter:

Amend by striking out the first five lines of printed bill, immediately following the enacting clause, and inserting the following:

"SECTION 1. Section one of the Act of which this Act is amendatory is amended to read as follows."

Amendment adopted.

By Senator Rowell:

Amend by striking out of Section 1, line thirteen, the word "Commission," and inserting the word "Commissioner."

Amendment adopted.

Also:

In line fifteen, Section 1, strike out the word "shall," and insert the word "may"

Amendment adopted.

Also:

In line sixteen, Section 1, strike out the words "Board of" and the word "Commissioners," in the same line, and insert the word "Commissioner."

Amendment adopted.

Also:

In line seventeen, Section 1, strike out the words "consisting of three members."

Amendment adopted.

Also:

Strike out of line eighteen, page two, all after the word "Commissioner."

Amendment adopted.

Also:

Strike out lines nineteen, twenty, and twenty-one, page two, and insert in lieu thereof the following: "The Board of Supervisors may remove said Commissioner for cause."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 406—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Yolo and Sacramento counties the fortieth district.

Bill read second time, considered engrossed, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred to committees as indicated:

By Senator Simpson: Senate Bill No. 513—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 514—An Act to amend Section 857 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Tyrrell of San Francisco: Senate Bill No. 515—An Act supplemental to an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith of Los Angeles: Senate Bill No. 516—An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read first time, and referred to Committee on Banking.

Also: Senate Bill No. 517—An Act to provide for the purchase of library books, periodicals, and magazines for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, woodworking and carpenter shop, and for the necessary machinery for equipping and operating the same at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 519—An Act to provide for the purchase of sewing machines for replacing the sewing machines now worn out in the tailor shop and girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Reformatories.

Also: Senate Bill No. 520—An Act to provide for the purchase and installation of additional bathtubs for the girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Reformatories.

By Senator Currier: Senate Bill No. 521—An Act to amend Section 2 of an Act entitled "An Act entitled 'An Act to regulate the practice of veterinary medicine and surgery in the State of California,'" approved March 23, 1893.

Bill read first time, and referred to Committee on Hospitals.

By Senator Maggard: Senate Bill No. 522—An Act making an appropriation to pay the claim of Jo D. Sproul, District Attorney of Butte County, for costs of suit in foreclosing delinquent purchasers of State school lands, and directing payment of same.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 523—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Nelson: Senate Bill No. 524—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension by the Board of State Harbor Commissioners of the sea-

wall and thoroughfare of the Harbor of San Francisco, on the water front of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people.

Bill read first time, and referred to Committee on Commerce.

By Senator Tyrrell of Nevada: Senate Bill No. 525—An Act to add a new section to the Political Code, to be known as Section 3365, relating to licenses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Laird: Senate Bill No. 526—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 527—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Bill read first time, and referred to Committee on Prisons.

At four o'clock P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Oneal:

Resolved, That the President of the Senate is hereby authorized to purchase an oil painting of the late Lieutenant-Governor John B. Reddick, at an expense not to exceed \$500, said painting to be hung in the office set apart for the use of Lieutenant-Governors. The President is hereby authorized to draw his warrant in favor of the Hon. Jacob H. Neff for said amount, payable out of the Contingent Fund of the Senate, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 369—An Act to provide for the location, construction, and maintenance of a State highway commencing at or near the City of San Jacinto, in Riverside County, and running thence to connection with the highway system of San Diego County, by way of the San Jacinto, Cabrilla, and Temecula valleys, and making an appropriation therefor.

Also: Senate Bill No. 472—An Act to provide for the location, construction, and maintenance of a State highway commencing at the City of Vallejo, Solano County, and running thence to connect with the highway system of Solano County, by way of American Cañon at Fairfield, the county seat of Solano County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Finance without recommendation.

LUCHSINGER, Chairman.

Senate Bills Nos. 369 and 472 referred to Committee on Finance.

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Senate Bill No.

378—An Act fixing and defining a miner's inch of water—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

J. R. TYRRELL, Chairman.

Senate Bill No. 378 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—have had the same under consideration, and report the same back, and respectfully recommend that the bill accompanying this report be introduced as a substitute, and that such substitute do pass.

Your committee further report that said Senate Bill No. 140 embodies the suggestions made by the Commission for the Revision and Reform of the Law, as to the revision of the Civil Code, and embodied in their report heretofore filed with the Secretary of State.

That in considering said bill, your committee met in joint sessions with a like committee of the Assembly. That said substitute bill accompanying said report is substantially the same as Senate Bill No. 140, and is introduced in the form of a substitute, for the reason that several of the provisions of the bill heretofore introduced were not adopted, and it was necessary to renumber the sections of the bill, which could not well be done by separate amendments.

Respectfully submitted.

SELVAGE, Chairman.

Substitute for Senate Bill No. 140 ordered to print.

ON COMMERCE.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Commerce, to whom was referred Senate Bill No. 88—An Act to amend Sections 2568, 2570, and 2571 of the Political Code, and to repeal Section 2569 of the Political Code, all relating to the Harbor Commissioners for the Port of Eureka, and to add two new sections to the Political Code, to be known as Sections 2569 and 2569½, also relating to the Harbor Commissioners for the Port of Eureka—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

SHORTTRIDGE, Chairman.

Senate Bill No. 88 referred to Committee on Judiciary.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 7, 1901.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 77—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Senate Bill No. 77 ordered on file for second reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on

behalf of the State, and making an appropriation for the expenses of such investigations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "at the close of their term," in line six, Section 4, page two, printed bill, and inserting in lieu thereof the word "annually."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out after the word "developing," in line six, Section 5, second page, printed bill, and inserting in lieu thereof the following: "controlling and utilizing."

Amendment adopted.

AMENDMENT No. 3.

On page three of printed bill, Section 7, line seven, after the word "warrants," insert a colon, and the following: "*provided*, one half of the appropriation herein shall be available in the fifty-third fiscal year, and the remaining one half of said appropriation shall be available in the fifty-fourth fiscal year."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Nutt, Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California—was withdrawn from file and re-referred to Committee on Finance.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 16—An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville in this State, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "twenty-five hundred dollars," in line one, Section 1, on first page, printed bill, and inserting in lieu thereof the following: "five thousand dollars, or so much as may be necessary."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Senator Devlin, the Senate was declared adjourned until Monday, February 11, 1901, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,

Monday, February 11, 1901.

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Currier, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Friday, February 8, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 5, 1901, having been previously read and corrected, was approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Also: Assembly Bill No. 409—An Act to amend Section 1346 of the Political Code, relating to elections.

Also: Assembly Bill No. 411—An Act to amend Section 1290 of the Political Code, relating to elections.

Also: Assembly Bill No. 412—An Act to amend Section 1288 of the Political Code, relating to elections.

Also: Assembly Bill No. 579 (Committee Substitute for Assembly Bill No. 410)—An Act to amend Section 1192 of the Political Code, relating to elections.

Also: Assembly Bill No. 80—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Also: Senate Bill No. 367—An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Also: Adopted Senate Joint Resolution No. 10—Relative to the establishment of a boarding-school for Pit River Indians in Modoc County, California.

Also: Passed Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Also: Committee Substitute for Senate Bill No. 127—An Act to appropriate the sum of \$150,000 to be used in the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosions, and other causes, and for the purchase of sites therefor, and to provide for the manner of expending such appropriation.

Also: Senate Bill No. 160—An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor.

Also: Senate Bill No. 117—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for

he organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 4—An Act to amend an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872, and to extend the provisions of said Act to private lands.

Also: Assembly Bill No. 35—An Act entitled "An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any articles of commerce other than pipe bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide a penalty for the violation of said Act.

Also: Assembly Bill No. 289—An Act to regulate the establishment of and maintenance of public laundries and public wash-houses in the cities and counties of the State.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 409 read first time, and referred to Committee on Elections.

Assembly Bill No. 411 read first time, and referred to Committee on Elections.

Assembly Bill No. 412 read first time, and referred to Committee on Elections.

Assembly Bill No. 579 read first time, and referred to Committee on Elections.

Assembly Bill No. 80 read first time, and referred to Committee on Finance.

Assembly Bill No. 4 read first time, and referred to Committee on Forestry and Water Storage.

Assembly Bill No. 35 read first time, and referred to Committee on Prisons.

Assembly Bill No. 289 read first time, and referred to Committee on Health.

Senate Bills Nos. 124, 367, 45, 160, 117, Committee Substitute for Senate Bill No. 127, and Senate Joint Resolution No. 10 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 9, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 497—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

Also: Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Also: Assembly Bill No. 474—An Act to prevent fraud in the sale of Paris green used as an insecticide.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CURRIER, Chairman.

Senate Bill No. 497 referred to Committee on Finance.

Senate Bill No. 478 ordered on file for second reading.

Assembly Bill No. 474 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 11—A proposed amendment to Article XV of the Constitution, relative to harbor fronts and tide waters—have had the same under con-

sideration, and respectfully report the same back, and recommend that it be adopted as amended.

CALDWELL, Chairman.

Senate Constitutional Amendment No. 11 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Senate Bill No. 70—An Act to amend Section 600 of the Penal Code of California, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Senate Bill No. 244—An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same be kept," approved February 9, 1897.

Committee Substitute for Senate Bill No. 56—An Act to amend Section 530 of an Act to establish a Political Code, relating to the office of Superintendent of State Printing, providing for the appointment of such officer by the Governor.

Senate Bill No. 403—An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 63 and 64, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or election to a public office, making the same a criminal offense, and providing a penalty therefor.

Also: Have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Senate Bill No. 358—An Act making an appropriation for a State prize, or trophy, to be competed for at the third National Bundes Shooting Festival, which is to be held in Berkeley, County of Alameda, State of California, from July 14 to July 23, 1901.

Senate Bill No. 406—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Yolo and Sacramento counties the fortieth district.

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

NELSON, Chairman.

Senate Bills Nos. 370, 70, 244, 403, and Committee Substitute for Senate Bill No. 56 ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 477—An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson.

Also: Senate Bill No. 288—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Also: Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Also: Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceedings in pursuance whereof real estate has been sold to the State for delinquent taxes.

Also: Senate Bill No. 234—An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts.

Also: Senate Bill No. 469—An Act to amend Section 110 of the Code of Civil Procedure of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 317—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State,

and for the appointment of the members of said commission, to be known as 'The Commission for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 119—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Also: Senate Bill No. 232—An Act to amend Section 850 of the Code of Civil Procedure.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

DAVIS, Chairman.

Senate Bills Nos. 477, 288, 248, 482, 234, 469, 317, 119, and 232 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 388—An Act making an appropriation for the erection of a workshop at the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 387—An Act to provide for a segregated hospital building, and for further equipping the Deaf, Dumb, and Blind Asylum at Berkeley.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Finance.

Also: Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute do pass.

LARDNER, Chairman.

Senate Bills Nos. 388 and 387 referred to Committee on Finance.

Senate Bill No. 282 ordered on file for second reading.

BILLS WITHDRAWN FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Taylor, Senate Bill No. 110—An Act to enforce the educational rights of children, and providing penalties for violation of the Act; and Senate Bill No. 111—An Act to add a new section to the Penal Code, and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age—were recalled from Committee on Education and ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Belshaw: Senate Bill No. 528—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferred grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof so that the purchaser, incumbrancer, mortgagee or grantee or pledgor of such property will take, own, and possess such property unaffected by such action and suit or the judg-

ment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 529—An Act to amend Section 183 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to salaries and fees of county and township officers, and providing for a deputy county clerk, deputy sheriff, and deputy assessor, and for the fees of trial jurors in criminal cases, and grand jurors.

Bill read first time, and referred to Committee on County Governments.

Also: Senate Bill No. 530—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by an attachment in an action wherein the said persons, partnership, corporation, or association is not the alleged debtor; to release the property, or interest therein, claimed from the attachment lien and levy; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking; and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 531—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 532—An Act to protect depositors of money in savings banks, and to facilitate the circulation of money by regulating the interest on deposits and on loans.

Bill read first time, and referred to Committee on Banks and Banking.

By Senator Currier (by request): Senate Bill No. 533—An Act to provide for the organization and management of State mutual fire insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also (by request): Senate Bill No. 534—An Act to amend Section 3714 of the Political Code of the State of California, relating to county taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Nutt: Senate Bill No. 535—An Act authorizing and providing the means of collecting and receiving from the United States

all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transferring its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has henceforth been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties, and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 536—An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 537—An Act to amend Section 3519 of the Political Code of the State of California, relating to swamp and overflowed land.

Bill read first time, and referred to Committee on Drainage.

By Senator Lukens: Senate Bill No. 538—An Act to provide for the payment of judgments against counties, cities, cities and counties, and towns.

Bill read first time, and referred to Committee on Judiciary.

At eleven o'clock and twenty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Passed on file, and ordered to foot of file.

Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Passed on file.

Senate Bill No. 406—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Yolo and Sacramento counties the fortieth district.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 406 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Cutter, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvaige, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—25.
NOES—Senators Burnett, Laird, Shortridge, Simpson, and Smith of Los Angeles—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 358—An Act making an appropriation for a State prize or trophy to be competed for at the third National Bundes Shooting Festival, which is to be held in Berkeley, County of Alameda, State of California, from July 14 to July 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 passed by the following vote:

AYES—Senators Burnett, Caldwell, Cutter, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Shortridge, Simpson, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—21.
NOES—Senators Belshaw, Laird, and Rowell—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read third time, and passed temporarily on file.

BILL WITHDRAWN FROM COMMITTEE AND RE-REFERRED.

On motion of Senator Simpson, Assembly Bill No. 139—An Act to amend Section 103 of the Code of Civil Procedure—was ordered withdrawn from Committee on Judiciary, and referred to Committee on Municipal Corporations.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Read third time.

SPECIAL ORDER SET.

On motion of Senator Davis, the further consideration of Senate Bill No. 210 was made a special order for this afternoon immediately following the special order already set for three o'clock and thirty minutes P. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Substitute for Senate Joint Resolutions Nos. 3, 4, and 5—Relative to Chinese and Japanese immigration to the United States.

Senate Bill No. 64—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Senate Bill No. 37—An Act appropriating money for improvement and repairs on the laundry at the Preston School of Industry.

Senate Bill No. 175—An Act appropriating money for the purchase of books for the use of the Preston School of Industry.

Senate Bill No. 269—An Act making an appropriation to pay the claims of certain employes of the State Printing Office.

Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture for the fiftieth fiscal year.

Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of February, 1901, at eleven o'clock and six minutes A. M.

Also: Have examined Senate Concurrent Resolution No. 12—Relative to providing a special file for Senate and Assembly bills—and report that the same has been correctly enrolled, and presented the same to the Governor on this 11th day of February, 1901, at twelve o'clock and three minutes P. M.

NELSON, Chairman.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—33.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Cutter moved a call of the Senate.

Motion carried.

Time, two o'clock and ten minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Flint, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—25.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and fifteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Cutter.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 284 was finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Cutter, Davis, Flint, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Shortridge, Smith of Los Angeles, and Taylor—22.

NOES—Senators Curtin, Selvage, Simpson, Smith of Kern, and Tyrrell of San Francisco—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Shortridge gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 284 was this day finally passed.

Assembly Bill No. 196—An Act entitled "An Act to amend Sections 4 and 5 of an Act entitled 'An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs,'" approved March 13, 1866.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 refused passage by the following vote:

AYES—Senators Flint, Lardner, Lukens, Selvage, Sims, Smith of Kern, Tyrrell of San Francisco, and Welch—8.

NOES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Hoey, Laird, Nelson, Pace, Plunkett, Rowell, Shortridge, Simpson, Smith of Los Angeles, Taylor, and Wolfe—18.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 254—An Act to promote the apicultural interests of the State of California by providing County Inspectors of Apiaries, and defining their duties and providing for their compensation, and repealing the Act entitled "An Act to authorize the Boards of Supervisors of the several counties of the State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 254 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Hoey, Lardner, Lukens, Nelson, Nutt, Oneal, Plunkett, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—23.

NOES—Senators Burnett, Laird, Luchsinger, Rowell, Shortridge, Sims, and Wolfe—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 252—An Act to amend Sections 628, 632, and 635 of the Penal Code and to add thereto a new section, numbered 636a, all relating to the preservation of fish.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 252 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Hoey, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—29.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 187—An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates, by providing for the designation of what proportion of the rates fixed is for annual reasonable expenses, and what proportion is for net annual receipts and profits.

Read third time.

On motion of Senator Lukens, Assembly Bill No. 187 was referred to Committee on Judiciary.

Assembly Bill No. 137—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 137 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, Welch, Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 21—An Act to appropriate the sum of \$455.38 to pay the claims and expenses of certain battalion officers, and officers and men of Companies B and D, Second Infantry Regiment, National Guard of California, for active services rendered at Colusa, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 21 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Currier, Cutter, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Welch, and Wolfe—24.

NOES—Senator Ashe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 63—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 63 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE FOR COMMITTEE ON COMMERCE.

At three o'clock and ten minutes P. M., the members of the Committee on Commerce were granted leave of absence for one hour, on motion of Senator Shortridge.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 163—An Act making an appropriation to pay the deficiency for transportation of insane, and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 163 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Currier, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Plunkett, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 91 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Laird, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 8—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

An identical bill having passed the Senate and Assembly, and having gone to enrollment, on motion of Senator Lukens Assembly Bill No. 8 was ordered returned to the Assembly.

Assembly Bill No. 259—An Act providing for the payment of certain costs and expenses incurred in the arrest, keeping, examination, and trial of any convict committed to either of the State prisons of the State of California, and of any inmate of the Whittier State School or

Preston School of Industry, including the costs of Coroners' inquests held on the body of any person confined in such prisons and schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 240—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Bill having been amended on a previous day, and consideration temporarily postponed, the same was taken up for consideration.

Bill read second time, ordered to print and third reading.

SPECIAL ORDER RESET.

On motion of Senator Cutter, the special order set for this hour, being the consideration of Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor—was postponed until ten o'clock and thirty minutes A. M. of Tuesday, February 12, 1901.

BILL RE-REFERRED.

Senator Wolfe moved that Senate Bill No. 351—An Act to protect the manufacturing industries of this State—be referred to Committee on Manufactures.

The question being on the motion to refer.

The ayes and noes were demanded by Senators Wolfe, Davis, and Lardner.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Davis, Flint, Laird, Lardner, Leavitt, Lukens, Plunkett, Selvage, Smith of Los Angeles, and Wolfe—14.

NOES—Senators Ashe, Burnett, Currier, Curtin, Cutter, Hoey, Luchsinger, Muentner, Nelson, Nutt, Oneal, Rowell, Simpson, Smith of Kern, Tyrrell of San Francisco, and Welch—16.

WITHDRAWAL OF BILL.

Senator Welch asked unanimous consent to withdraw Senate Bill No. 163—An Act to amend Sections 1543 and 1545 of the Political Code of the State of California.

Consent granted.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Curtin, Senator Devlin's notice of motion to reconsider the vote whereby Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys—was passed, was postponed till next legislative day.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 322—An Act amending Section 751 of an Act entitled "An Act to provide

for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the officers of cities of the fifth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 323—An Act amending Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the election and terms of office of officers of cities of the fifth class—have had the same under consideration, and respectfully report the same back, and recommend that the author have permission to withdraw the same.

TAYLOR, Chairman.

Senate Bill No. 322 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Cutter asked for unanimous consent to withdraw Senate Bill No. 323—An Act amending Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the election and terms of office of officers of cities of the fifth class.

Consent granted.

Senate Bill No. 323 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Reformatories, to whom was referred Senate Bill No. 417—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Judiciary.

F. M. SMITH, Chairman.

Senate Bill No. 417 referred to Committee on Judiciary.

ON COMMERCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Commerce, to whom was referred Senate Joint Resolution No. 9—Relating to the improvement of Oakland harbor—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Bill No. 44—An Act to amend Sections 2568, 2570, and 2571 of the Political Code, and to repeal Section 2569 of the Political Code, all relating to the Harbor Commissioners for the Port of Eureka, and to add two new sections to the Political Code, to be known as Sections 2569 and 2569½, also relating to the Harbor Commissioners for the Port of Eureka.

Also: Senate Bill No. 229—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties in this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Also: Senate Bill No. 462—An Act to amend Section 2349 of the Political Code of the State of California, relating to public way.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SHORTRIDGE, Chairman.

Senate Joint Resolution No. 9 ordered on file.

Senate Bills Nos. 229 and 462, and Assembly Bill No. 44 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 385—An Act making an appropriation of \$15,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a roof on the building of the female department of the State Hospital, situated in the City of Stockton.

Also: Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Also: Senate Bill No. 383—An Act making an appropriation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Also: Senate Bill No. 402—An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom.

Also: Senate Bill No. 454—An Act making an appropriation to pay the reward offered by the Governor of the State of California, and the claim therefor of W. A. Boyd and H. W. Randall, for the arrest of Josef E. Blanthier, for murder.

Also: Substitute for Senate Bill No. 19—A proposed Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 50—An Act to provide for the purchase of real property known as Agricultural Park, in the City of Sacramento, State of California, from the Board of Directors of the California State Agricultural Society, and to empower said Board of Directors to sell a portion of said park, and to purchase from other parties land adjoining thereto for the State, to be used by the State for the purpose of conducting an agricultural fair, and appropriating money for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that substitute do pass.

Also: Senate Bill No. 58—An Act making an appropriation for the purchase and instalment of improved machinery in the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Also: Senate Bill No. 76—An Act making an appropriation of \$5,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Also: Senate Bill No. 149—An Act to pay the claim of John P. Duhp against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 245—An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court.

Also: Senate Bill No. 384—An Act making an appropriation of \$8,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 385, 264, 383, 402, 454, 50, 58, 76, 149, 245, 384, and Substitute for Senate Bill No. 19 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 302—An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four, now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant.

Senate Bill No. 263—An Act authorizing the Secretary of State to appoint two additional clerks in his office in addition to the number now allowed by law, fixing the compensation of such clerks, and repealing Section 422 of the Political Code, relating to special clerks in the office of Secretary of State.

Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repeal-

ing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Senate Bill No. 16—An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville, in this State, and making an appropriation therefor.

Senate Bill No. 91—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and numbered as Section 402a, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette paper, or cigarette wrappers within the State of California, and fixing a penalty therefor.

NELSON, Chairman.

Senate Bills Nos. 302, 263, 407, 7, and 16 ordered on file for third reading.

Senate Bill No. 91 ordered on file for passage.

CONSIDERATION OF SPECIAL ORDER.

The special order set for consideration at this hour, being the further consideration of Senate Bill No. 210, the same was taken up.

Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Having been read third time on this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 210 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Maggard, Oneal, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Currier, Davis, Flint, Lardner, Lukens, Nelson, Nutt, Rowell, and Smith of Kern—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Smith of Kern: Senate Constitutional Amendment No. 14—Proposing to the people of the State of California an amendment to Article II of the Constitution of the State by adding a new section thereto, to be known as Section 6, relating to elections.

Referred to Committee on Constitutional Amendments.

By Senator Lukens: Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the general appropriation bill, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of Califor-

nia, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

By Committee on Finance: Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society; for the purpose of making certain improvements, alterations, and additions upon the grounds of said Society.

Bill read first time, and ordered on file.

By Senator Corlett: Senate Bill No. 543—An Act making an appropriation to pay for the providing of additional committee rooms in the attic of the State Capitol, and requiring that the work be done under the direction of the Secretary of State.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 544—An Act to promote the horticultural interests of the State by providing County Boards of Horticultural Commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture," approved March 31, 1897.

Bill read first time, and referred to Committee on Agriculture.

By Senator Oneal: Senate Bill No. 545—An Act to provide for the exportation of non-citizen inmates of the State hospitals for the insane, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

By Senator Laird: Senate Bill No. 546—An Act to declare the Alturas and Lake View Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Bill read first time, and referred to Committee on Highways.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Lukens, his motion to reconsider the vote whereby Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—was finally passed, was postponed until next legislative day.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 12, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Monday, February 11, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 6, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Taylor was granted a leave of absence for the day, on motion of Senator Lukens.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Senate Bill No. 154—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State offices, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-second fiscal year.

Also: Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Also: Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual, beneficial, and relief associations," approved March 28, 1874.

Also: Senate Bill No. 24—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

Also: Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Also: Senate Bill No. 52—An Act to provide for the payment of the claim of John E. Raker, District Attorney of Modoc County, for costs in foreclosing delinquent purchasers of State school land, and making an appropriation therefor.

Also: Amended, and passed as amended, Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Also: Passed Senate Bill No. 125—An Act to amend Chapter III of Title II of Part II of the Code of Civil Procedure of the State of California by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under the "Local Improvement Act of 1901."

Also: Senate Bill No. 126—An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within the municipality, such Act to be known as the "Local Improvement Act of 1901."

Also: Amended, and passed as amended, Senate Bill No. 38—An Act appropriating

money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Also: Passed Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Committee Substitute for Senate Bill No. 154, and Senate Bills Nos. 66, 267, 24, 2, 52, 125, 126, and 206 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 141?"

ASSEMBLY COMMITTEE AMENDMENT.

Amend by inserting the words "and the term of duration of said franchise," after the word "granted," in line eight, Section 1, first page, printed bill.

The roll was called, and the Assembly amendment to Senate Bill No. 141 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, and Wolfe—26.
NOES—None.

Senate Bill No. 141 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 38?"

ASSEMBLY WAYS AND MEANS COMMITTEE AMENDMENT.

Amend by striking out the words "one thousand five hundred," in line three, first page, printed bill, and inserting in lieu thereof the words "eight hundred."

The roll was called, and Assembly amendment to Senate Bill No. 38 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—26.
NOES—None.

Senate Bill No. 38 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 39—An Act to amend Section 470 of the Political Code of the State of California, relating to the duties of the Attorney-General.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following amendments to Senate Bill No. 39?"

ASSEMBLY COMMITTEE AMENDMENTS.

Insert after the word "party," in line seven of the printed bill, the words "and all causes to which any county may be a party, unless the interest of the county is adverse to the State, or some officer thereof acting in his official capacity."

Also: Strike out the word "the," in line forty-one of the printed bill, and insert in lieu thereof the word "and."

The roll was called, and Assembly amendments to Senate Bill No. 39 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, and Wolfe—25.
NOES—None.

Senate Bill No. 39 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1901

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 52—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Also: Assembly Bill No. 269—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Also: Assembly Bill No. 271—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State.

Also: Assembly Bill No. 175—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 52 read first time, and referred to Committee on Finance.

Assembly Bill No. 269 read first time, and referred to Committee on Finance.

Assembly Bill No. 271 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 175 read first time, and referred to Committee on Municipal Corporations.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 363—An Act to repeal an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and all expenses connected therewith," which Act became a law March 7, 1899.

Also: Senate Bill No. 364—An Act to authorize and direct the transfer from the General Fund to the University Fund of the sum of \$48,758, the balance remaining in the General Fund of the appropriation made by an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith" (which Act became a law without the Governor's approval March 7, 1899), and prescribing the duties of the Controller and Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by authors.

Also: Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 363 and 364 withdrawn and ordered stricken from the file.

Senate Bill No. 432 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 405—An Act making an appropriation to provide for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Also: Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

Also: Senate Bill No. 192—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Also: Senate Bill No. 109—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Also: Senate Bill No. 404—An Act making an additional appropriation for the support and maintenance of the State Normal School at San José, Santa Clara County, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Finance.

LARDNER, Chairman.

Senate Bills Nos. 405, 192, 109, 404, and 265 referred to Committee on Finance.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Assembly Bill No. 314—An Act to amend Section 180 of the Penal Code of the State of California, relating to the bringing into the State prisons, or any of the reformatories therein, or within the grounds of such institutions, any opium, morphine, cocaine, or other narcotics, intoxicating liquors of any kind, or firearms, weapons, or explosives, and fixing the penalty therefor.

Also: Senate Bill No. 527—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 511—An Act regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Assembly Bill No. 314 and Senate Bills Nos. 527 and 511 ordered on file for second reading.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 12, 1901.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 97—An Act to amend Section 1895 of the Political Code of the State of California, relating to the persons subject to military duty and to those who may constitute military organizations, in the military service of the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HOEY, Chairman.

Assembly Bill No. 97 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Nutt: Senate Bill No. 547—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Governments.

By Senator Caldwell: Senate Bill No. 548—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Bill read first time, and referred to Committee on County Governments.

By Senator Flint: Senate Bill No. 549—An Act to amend Sections 7 and 8 of the Civil Code of the State of California, relating to legal holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 550—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to legal holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 551—An Act to amend Sections 10, 11, and 134

of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Fish and Game: Senate Bill No. 552—An Act creating the office of Game Commissioner, and defining his duties.

Bill read first time, and ordered on file.

At ten o'clock and twenty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Lukens moved a reconsideration of the vote whereby Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—was passed.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Senators Burnett, Byrnes, Corlett, Currier, Curtin, Lukens, Oneal, Pace, Rowell, Tyrrell of San Francisco, Welch, and Wolfe—12.

NOES—Senators Belshaw, Bettman, Caldwell, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Selvage, Shortridge, Simpson, Sims, and Smith of Kern—17.

Assembly Bill No. 90 ordered transmitted to the Assembly.

SPECIAL ORDER.

The consideration of special order set for this hour—Senate Constitutional Amendment No. 8—was taken up.

Senate Constitutional Amendment No. 8—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

During reading of the constitutional amendment, the following amendment was offered by Senator Cutter:

Amend by striking out of Section 2, lines nine and ten, the words "after the election held in the year eighteen hundred and eighty."

Amendment adopted.

CONSTITUTIONAL AMENDMENT RE-REFERRED TO COMMITTEE.

On motion of Senator Lukens, Senate Constitutional Amendment No. 8 was re-referred to Committee on Constitutional Amendments, with instructions to report back two constitutional amendments covering the two subjects therein contained.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Passed on file, and ordered to foot of file.

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their com-

pensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Passed on file temporarily.

Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawn-broker and others, and specifying the penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 67 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Muentner, Nutt, Pace, Rowell, Selvage, Simpson, Sims, Taylor, Tyrrell of San Francisco, and Welch—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Lukens moved that the vote whereby Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys—was on a previous day passed.

Senator Belshaw moved that the motion to reconsider be laid on the table.

The question being on the motion to lay on the table.

The ayes and noes were demanded by Senators Lukens, Devlin, and Davis.

The roll was called, and the motion to lay on the table carried by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Muentner, Nelson, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Ashe, Byrnes, Lukens, Nutt, Rowell, Smith of Los Angeles, and Welch—7.

Senate Bill No. 220 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 12, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 124—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof.

Senate Bill No. 367—An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Senate Joint Resolution No. 10—Relative to the establishment of a boarding-school for Pit River Indians in Modoc County, California.

Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Committee Substitute for Senate Bill No. 127—An Act to appropriate the sum of \$150,000 to be used in the construction of works for the restraining and impounding of

débris resulting from mining operations, natural erosions, and other causes, and for the purchase of sites therefor, and to provide for the manner of spending such appropriation.

Senate Bill No. 160—An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor.

Senate Bill No. 117—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 12th day of February, 1901, at ten o'clock and fifty minutes A. M.

NELSON, Chairman.

At eleven o'clock and twenty minutes A. M., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

MOTION TO POSTPONE RECONSIDERATION LOST.

Senator Shortridge moved that his notice of motion to reconsider vote whereby Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—was on a previous day finally passed, be postponed till the next legislative day.

Motion lost.

At eleven o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Shortridge moved a reconsideration of the vote whereby Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—was finally passed.

Senator Cutter moved that the motion to reconsider be laid on the table.

Motion to lay on the table carried.

Senator Currier asked for and was granted unanimous consent to take up Substitute for Senate Bill No. 18 for purpose of amendment.

THIRD READING OF BILL.

Committee Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Read third time.

Senator Currier moved to refer to Senator Cutter, as a special committee of one, to amend as follows:

Amend by striking out of the title the words "to provide for the inspection of illuminating oils manufactured from petroleum or coal oils," and inserting the following: "To add a new section to the Penal Code, to be numbered 380a, and to regulate the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes."

Also: By striking out all after the enacting clause, and inserting the following:

"SECTION 1. A new section is hereby added to the Penal Code of the State of California, numbered three hundred and eighty a, as follows:

"Section 380a. The products of crude oil, or petroleum, that are to be used for illuminating or fuel purposes, may only be offered for sale under the following regulations and restrictions, viz: Benzole, gasoline, naphtha, and distillate must be sold under their true names, respectively, and such name must be impressed, or otherwise plainly shown, upon the barrel, can, or vessel in which the same is sold, offered, or exposed for sale, respectively, or upon a label conspicuously and securely fastened thereto; and every barrel, can, or vessel of kerosene or coal oil that is sold, offered, or exposed for sale shall

be in like manner plainly marked or labeled with the word 'kerosene,' or 'coal oil,' and with the degree Fahrenheit below which the same will not flash, and the degree Fahrenheit of fire test. No kerosene shall be sold, offered, or exposed for sale which will not stand a fire test of 115 degrees Fahrenheit. The test by which the degree of flash or fire test shall be made is the open Tagliabue electric cup. Said label, impress, or other mark hereinbefore required to be placed upon each barrel, can, or vessel containing kerosene or coal oil, shall also specify the altitude or barometric pressure at which the guaranteed test has been made.

"It shall be a violation of the provisions of this section if any statement hereby required is false in regard to the article sold, or offered for sale, or in the case of kerosene or coal oil, if the marked flash test or fire test on the package or label is higher in degrees than the said article will actually stand under the test hereinbefore specified, and the person, firm, or corporation violating any of these provisions is guilty of a misdemeanor.

"SEC. 2. This Act shall take effect six months from and after its passage."

Motion carried.

POINT OF ORDER.

Senator Smith of Kern raised the point of order that the proposed amendment was not an amendment to the Substitute for Senate Bill No. 18, but a substitution to Senate Bill No. 18, and therefore not germane.

The President pro tem. declared the point of order well taken.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 68—An Act to add a new section to the Penal Code of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk dealers, and persons acting as their agents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 68 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Selvage, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, and Tyrrell of San Francisco—28.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 377—An Act to amend Section 1159 of the Civil Code, relating to judgments that may be recorded without acknowledgment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 377 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168—An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts, or cities and towns, and grout and rough rock for riprap work and restraining

walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Having been read third time on a previous day.

Senator Lardner moved to refer to Senator Belshaw, as a special committee of one, to amend title as follows:

"An Act entitled an Act making it unlawful for the State Board of Prison Directors or the State Prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State in the manufacturing, cutting, or dressing any curbing or cross-walk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts for use on State highways, county or district roads."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 168—An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California or any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts, or cities and towns, and grout and rough rock for riprap work and restraining walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act—with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

At twelve o'clock and five minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

Having been read third time on a previous day.

At twelve o'clock and twenty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The question being on the passage of the bill.

The roll was called, and Substitute for Senate Bill No. 216 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Cutter, Davis, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senators Corlett, Currier, Goad, Luchsinger, Muentner, Pace, and Tyrrell of Nevada—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 22—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 22 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Selvage, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 82—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 82 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Selvage, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 259—An Act providing for the payment of certain costs and expenses incurred in the arrest, keeping, examination and trial of any convict committed to either of the State prisons of the State of California, and of any inmate of the Whittier State School or Preston School of Industry, including the costs of Coroners' inquests held on the body of any person confined in such prisons and schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 259 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selva, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 240—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Corlett, Cutter, Goad, Hoey, Lardner, Leavitt, Lukens, Nelson, Nutt, Oneal, Pace, Plunkett, Selva, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—Senators Burnett, Caldwell, Curtin, Laird, Luchsinger, Maggard, Muentner, and Smith of Los Angeles—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 474—An Act to prevent fraud in the sale of Paris green used as an insecticide.

During second reading of bill, the following amendment was offered by Senator Laird:

Amend by striking out all of Section 6 and inserting the following: "The District Attorney of the county in which the complaint is made is charged with the prosecution of all such suits."

Amendment lost.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 44—An Act to amend Sections 2568, 2570, and 2571 of the Political Code, and to repeal Section 2569 of the Political Code, all relating to the Harbor Commissioners for the Port of Eureka, and to add two new sections to the Political Code, to be known as Sections 2569 and 2569½, also relating to the Harbor Commissioners for the Port of Eureka.

Bill read second time, and ordered on file for third reading.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Lukens:

Resolved, That when the Senate adjourns, it do adjourn in commemoration of this twelfth day of February, 1901, being the anniversary of the day of the birth of Abraham Lincoln, patriot and exemplar of civic virtue.

Resolution read and adopted.

By Senator Cutter:

Resolved, That the Controller be and is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of Charles F. Curry, Secretary of State, for the

sum of \$202.50, the same being in payment for forty-five copies of indexes of laws, heretofore directed by resolution of the Senate to be furnished for the use of Senators, etc.

Resolution read.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Selvage, Sims, Tyrrell of Nevada, and Tyrrell of San Francisco—29.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Sims, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—29.

NOES—None.

RESOLUTIONS—(OUT OF ORDER).

By Senator Muentner:

Resolved, That Senators Greenwell, and Tyrrell of Nevada, of the Committee on Finance; Senators Rowell, Corlett, and Pace, of the Committee on Hospitals; and Senator Caldwell, of San Bernardino, be and they are hereby authorized to visit the State Hospital at Stockton on Wednesday, February 13, A. D. 1901, in order that the needs of this institution may be thoroughly inquired into, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—29.

NOES—None.

By Senator Leavitt:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the sum of \$50, upon the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same, the said sum to be used for the purchase of stamps to be used by the press mailing clerks.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Belshaw:

Resolved, That the State Controller is hereby authorized and directed to draw his warrant in favor of C. M. Belshaw for the sum of \$98.40, payable out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same, this amount being the actual traveling expenses of the special committee appointed to visit San Quentin and Folsom State prisons.

Resolution read, and referred to Committee on Contingent Expenses.

PROPOSED COMMITTEE SUBSTITUTE FOR SENATE BILL ORDERED TO PRINT.

On motion of Senator Devlin, the proposed Committee Substitute for Senate Bill No. 50 was ordered to print.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 12, 1901.

MR. PRESIDENT: Your Committee on Reformatories, to whom was referred Senate Bill No. 517—An Act to provide for the purchase of library books, periodicals, and magazines for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, wood-working and carpenter shop, and for the necessary machinery for equipping and operating the same at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 519—An Act to provide for the purchase of sewing machines for replacing the sewing machines now worn out in the tailor shop and girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 520—An Act to provide for the purchase and installation of additional bathtubs for the girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance for further consideration.

F. M. SMITH, Chairman.

Senate Bills Nos. 517, 518, 519, and 520 referred to Committee on Finance.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received, and ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, February 12, 1901.

MR. PRESIDENT: Your committee appointed to visit San Quentin and Folsom prisons desire to report that we have made an inspection of the aforesaid prisons, and, although lack of time prevented our making more than a cursory examination, we found the discipline, sanitary condition, and general conduct of affairs good. At the time of the committee's visit to San Quentin, the books of that institution were in the hands of an expert for examination, by order of the State Board of Prison Directors, for the purpose of inquiring into the defalcations of ex-Clerk C. J. Walden, and for this reason, and also for lack of time, your committee did not make an examination of the books of that institution. However, your committee is satisfied that the methods by which the main office keeps in touch with the product of the jute mill, and the disposal of that product, are not sufficiently perfected to permit of an accurate knowledge at all times of the business affairs of the jute mill.

Your committee is of the opinion that some investigation should be made relative to obtaining a cheaper fuel for the jute mill.

From investigation duly made, your committee is also of the opinion that, from an economical standpoint, it would not be advisable to establish an electric light plant at this institution.

The machinery at Folsom seems to be in good condition, with the exception of the air compressor, which has been in use a number of years, and is now in need of repair. We favor the idea of putting in another, and larger, air compressor, in order that a considerable amount of the water-power, which is now going to waste, may be made available for the use of the prison. We are not in favor of the purchase of a new lathe, as we consider the one now installed sufficient for the needs of that institution.

In view of the fact that lack of time prevented your committee from making a thorough investigation of the affairs of San Quentin and Folsom State prisons, we recommend the adoption of the following resolution:

Resolved, That the President of the Senate is hereby authorized and empowered to appoint a committee of three hold-over Senators, which committee shall visit and investigate the affairs of the State prisons at San Quentin and Folsom, both as to business matters and management of the aforesaid institutions, and shall make a report thereon to the thirty-fifth session of the Legislature. Said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation as above mentioned; and is hereby authorized to send for persons and papers, to administer oaths, to examine witnesses and compel their attendance, and do all other things necessary for a full and complete investigation.

Such committee is hereby authorized and empowered to employ such clerks and stenographers as in their judgment shall be necessary.

The Superintendent of State Printing is hereby directed to print such matters as said committee may require, at any time. Said committee shall be entitled to, and receive, payable out of the Contingent Fund of the Senate, such sums as may be necessary to defray their necessary traveling expenses, and to pay the clerks and stenographer employed by them, under and by virtue of this resolution.

C. M. BELSHAW, Chairman.
A. E. NUTT.
J. J. LUCHSINGER.
JOHN R. TYRRELL.
C. B. GREENWELL.
JOHN H. NELSON.
S. C. SMITH.
J. M. PLUNKETT.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of the above report of Committee on Prisons was made a special order for Wednesday, February 13, 1901, immediately after reading of the Journal.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Caldwell: Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Reformatories.

By Senator Tyrrell of San Francisco: Senate Bill No. 554—An Act to prohibit the paying of employes while he or they are in any public saloon, or barroom, or restaurant.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Laird: Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Currier: Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

Bill read first time, and referred to Committee on Manufactures.

By Senator Byrnes: Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Bill read first time, and referred to Committee on Finance.

By Senator Belshaw: Senate Concurrent Resolution No. 13—Relative to the consent of the Legislature to absence from the State of State Senator C. M. Belshaw, of the Eleventh Senatorial District, for a period not to exceed six months.

On file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to

provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 170 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nutt, Plunkett, Selvaige, Sims, Tyrrell of San Francisco, and Welch—23.

NOES—Senator Nelson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts, or parts of Acts, in conflict with the provisions of this Act," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 370 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Plunkett, Rowell, Selvaige, Simpson, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Having been read third time on a previous day.

Senator Davis moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by striking out of Section 4, lines thirteen to fifteen, inclusive, page two, of the printed bill, the words "permit such herds to pass into and through any and all counties in this State so long as they remain free and clear from disease," and inserting the following: "be recognized in all counties in this State into which said sheep shall come as showing the freedom and cleanliness of said sheep from disease during the period of continuance of said certificate."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep—with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 70—An Act to amend Section 600 of the Penal Code

of California, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 70 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Selvage, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At three o'clock and ten minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

Senate Bill No. 244—An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same be kept," approved February 9, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 244 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Rowell, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 56--An Act to amend Section 530 of an Act to establish a Political Code, relating to the office of Superintendent of State Printing, and providing for the appointment of such officer by the Governor.

Passed on file.

Senate Bill No. 403—An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 63 and 64, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or election to a public office, making the same a criminal offense, and providing a penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Davis, Devlin, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Plunkett, Selvage, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302—An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four,

now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 302 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Nelson, Plunkett, Salvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263—An Act authorizing the Secretary of State to appoint two additional clerks in his office, in addition to the number now allowed by law, and fixing the compensation for such clerks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Currier, Curtin, Cutter, Davis, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Salvage, Shortridge, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Passed on file.

Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigation on behalf of the State, and making an appropriation for the expenses of such investigation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Salvage, Shortridge, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

At three o'clock and thirty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 16—An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville, in this State, and making an appropriation therefor.

Read third time.

MOTION TO REFER.

Senator Rowell moved to refer to Senator Nutt, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line one, the words "five thousand," and inserting the words "twenty-five hundred."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 16 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Plunkett, Rowell, Shortridge, Sims, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—26.

NOES—Senators Laird and Nutt—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and numbered as Section 402½, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette paper, or cigarette wrappers within the State of California, and fixing a penalty therefor.

Passed on file.

WITHDRAWAL OF BILL.

Senator Currier asked for unanimous consent to withdraw Substitute for Senate Bill No. 18—An Act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Consent granted.

Substitute for Senate Bill No. 18 ordered stricken from the file.

BILL ORDERED PRINTED WITH PROPOSED COMMITTEE AMENDMENTS.

On motion of Senator Laird, the Secretary was directed to have 300 copies of Senate Bill No. 310 printed with the proposed committee amendments, for convenience.

SECOND READING OF BILLS.

Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1817, 1818, 1819, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools.

Passed on file.

Senate Bill No. 147—An Act providing for the appointment, and for fixing the bond and compensation, and for specifying the duties, powers, and tenure of office of matrons for city and town jails and prisons where matrons therefor are not otherwise provided for.

Passed on file, and ordered to foot of file.

Senate Bill No. 148—An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, said new section to be known as Section 25½, and also to amend Section 89 of the above-entitled Act, all relating to the subject of matrons for county jails.

Passed on file, and ordered to foot of file.

Senate Bill No. 4—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track enclosure, fair grounds, or buildings, wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in line ten, second page, printed bill, being a part of Section 2: "*and provided further*, that nothing herein contained shall prevent counties, cities, towns, or municipalities, or any city and county, from passing ordinances prohibiting the selling of pools and bookmaking within the race-track enclosure, building, fair ground, or place where a trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines, shall be had and occur."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 361—An Act to amend Sections 1917, 1918, 1936, 1939, 1962, 1980, 1984, 2009, 2076, 2077, 2105; to repeal Section 1990, and to add two new sections, to be known and numbered as Sections 1973*a* and 2106, all of and to the Political Code of the State of California, relating to the National Guard.

Passed on file.

Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Passed on file.

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "Assembly," in line four, Section 1, first page, printed bill, and inserting in lieu thereof the word "Senate."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "nine," in line five, Section 1, first page, printed bill, and inserting in lieu thereof the word "eleven."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "nine," in line six, Section 2, second page, printed bill, and inserting in lieu thereof the word "eleven."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "Assembly," in line 6, Section 2, second page, printed bill, and inserting in lieu thereof the word "Senate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 270—An Act to amend Section 623 of the Penal Code,

relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Passed on file.

Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander.

Passed on file.

Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600½, relating to and defining the offense of burning structures and other property under \$25 in value, not subject to arson, and specifying the penalty therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the figure " $\frac{1}{2}$," in line two of title of Act, first page, printed bill, and inserting in lieu thereof the word "a."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "and one half," in line two, Section 1, first page, printed bill, and inserting in lieu thereof the word "a."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the fraction " $\frac{1}{2}$," in line four, Section 1, first page, printed bill, and inserting in lieu thereof the word "a."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "twenty-five," in line five, Section 1, first page, printed bill, and inserting in lieu thereof the word "fifty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Senator Wolfe, and in accordance with the resolution previously offered by Senator Lukens, the President pro tem. declared the Senate adjourned in commemoration of the twelfth day of February, being the anniversary of the birth of Abraham Lincoln.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 13, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Tuesday, February 12, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 7, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Oneal was granted a leave of absence for the day, on motion of Senator Flint.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of special order heretofore set for this hour—being the consideration of Senate Bill No. 138—having arrived, the same was taken up.

Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California, by amending certain sections, repealing others, and adding certain new sections.

During second reading of bill, the following Committee Substitute for Senate Bill No. 138 was read and adopted:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 138.

An Act to revise the Code of Civil Procedure of the State of California, by amending certain sections, repealing others, and adding certain new sections.

WHEREAS, The Legislature of the State of California did, by an Act approved on the twenty-eighth day of March, eighteen hundred and ninety-five, create "The Commission for the Revision and Reform of the Law" among other things, to revise and examine the Code of Civil Procedure of the State of California and to report such revision and examination to the Legislature; and whereas, pursuant to said Act, the Governor of the State of California did appoint said commission; and whereas, said commission did thereafter, in pursuance of said Act, file with the Secretary of State a report recommending among other things a revision of the Code of Civil Procedure; now, therefore, in view of said recommendation, and for the purpose of revising said code,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of the Code of Civil Procedure is hereby amended to read as follows:

Section 5. The provisions of this code, and every amendment thereto, so far as they are substantially the same as existing statutes, or the common law, must be regarded as continuations thereof, and not as new enactments.

SEC. 2. Section eight of said code is hereby amended to read as follows:

Section 8. No action or proceeding commenced before this code, or any amendment thereto, takes effect, and no right accrued, are affected by its provisions, but the proceedings therein must conform to the requirements of this code, or of such amendment, as far as applicable.

SEC. 3. Section nine of said code is hereby amended to read as follows:

Section 9. When a limitation or period of time prescribed in any existing statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this code, or any amendment thereto, goes into effect, and the same or any limitation is prescribed in this code, or in such amendment, the time which has already run shall be deemed part of the time prescribed as such limitation by this code, or by such amendment.

SEC. 4. Section eleven of said code is hereby repealed.

SEC. 5. Section seventeen of said code is hereby amended to read as follows:

Section 17. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is

embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it by a person who writes his own name as a witness.

The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context.

1. The word "property" includes both real and personal property;
2. The words "real property" are coextensive with lands, tenements, and hereditaments;
3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;
4. The word "month" means a calendar month, unless otherwise expressed;
5. The word "will" includes codicil;
6. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer; and the word "process" a writ or summons issued in the course of judicial proceedings;
7. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories; and the words "United States" may include the district and territories;
8. The word "section," whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.

SEC. 6. Section eighteen of said code is hereby amended to read as follows:

Section 18. No statute, law, or rule is continued in force, because it is consistent with the provisions of this code on the same subject; but in all cases provided for by this code, all statutes, laws, and rules heretofore in force in this state, whether consistent or not with the provisions of this code, unless expressly continued in force by it, are repealed and abrogated. This repeal or abrogation does not revive any former law heretofore repealed, nor does it affect any right already existing or accrued, or any action or proceeding already taken, except as in this code provided.

SEC. 7. Section twenty-six of said code is hereby repealed.

SEC. 8. Section twenty-seven of said code is hereby repealed.

SEC. 9. Section twenty-eight of said code is hereby repealed.

SEC. 10. Section twenty-nine of said code is hereby repealed.

SEC. 11. Section thirty of said code is hereby repealed.

SEC. 12. Section thirty-one of said code is hereby repealed.

SEC. 13. Sections thirty-three to forty-six, inclusive, and forty-eight to fifty-five of said code, both inclusive, are hereby repealed.

SEC. 14. Sections sixty-five to sixty-nine of said code, both inclusive, are hereby repealed.

SEC. 15. Sections seventy to seventy-nine of said code, both inclusive, are hereby repealed.

SEC. 16. Section ninety-one of said code is hereby amended to read as follows:

Section 91. All legal process of every kind in actions, suits, or proceedings in said justices' court, shall be issued by the said justices' clerk, and the fees for issuance and service of all such process, and all other fees which are allowed by law for any official services of justices, justices' clerk, or sheriff, shall be exacted and paid in advance into the hands of said clerk, and be by him daily, or weekly, or monthly, as the supervisors may require, and before his salary is allowed, accounted for in detail, under oath, and paid into the treasury of such city and county, as part of the special fee fund thereof. Such payment in advance must not be exacted from parties who may prove to the satisfaction of the presiding justice that they have a good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees; and no judgment shall be rendered in any action before said justices' court, or any of said justices, until the fees allowed therefor, and all fees for previous services therein, which are destined to be paid into the treasury, have been paid, except in cases of poor persons, as hereinbefore provided.

SEC. 17. Section one hundred and three of said code is hereby amended to read as follows:

Section 103. There shall be at least one justice's court in each of the townships of the state for which one justice of the peace must be elected by the qualified electors of the township, at the general state election next preceding the expiration of the term of office of his predecessor. In any county where, in the opinion of the board of supervisors, the public convenience requires it, the said board may, by order, provide that two justices' courts may be established in any township, designating the same in such order; and in such case one justice of the peace must be elected in the manner herein provided for each of such courts. In every city or town of the third and fourth class there must be one justice of the peace, and in every city or town of the second class there must be two justices of the peace, to be elected in like manner by the electors of such cities, or towns, respectively; and such justices of the peace of cities or towns, and justices' courts of cities or towns, shall have the same jurisdiction, civil and criminal, as justices of the peace of townships, and township justices' courts. Said justices of the peace of cities, and justices' courts of cities, shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city, or town; and generally exercise all powers, duties, and jurisdiction, civil and criminal, of police judges, judges of the police court, recorder's court, or mayor's court, within such city. No person is eligible to the office of justice of

the peace in any city or town of the first, second, or third class (or of any township composed in whole or in part of either), who has not been admitted to practice law in a court of record; and no justice of the peace is permitted to practice law before another justice of the peace in the city, town, or county in which he resides, or to have a partner engaged in the practice of law in any justice's court in such city, town, or county. Every city justice of the peace in any city or town of the fourth class shall receive a salary of fifteen hundred dollars per annum, and every city justice of the peace in any city or town of the second or third class shall receive a salary of two thousand dollars per annum; and each justice of the peace shall be provided by the city or town authorities with a suitable office in which to hold his court. Where the compensation of the justice of the peace of any city or town is by salary, it shall be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund, of such city or town, such warrants to be audited and paid as salaries of other city officials. All fees which are chargeable by law for services rendered by such city justices of the peace in the cities or towns aforesaid shall be by them, respectively, collected, and on the first Monday of each month every such city or town justice of the peace shall make a report, under oath, to the city or town treasurer, of the amount of fees so by him collected, and pay the amount so collected into the city or town treasury, to the credit of the general fund thereof. Said salaries shall be the sole compensation of said city justices.

SEC. 18. Section one hundred and fifteen of said code is hereby repealed.

SEC. 19. Section one hundred and thirty-four of said code is hereby amended to read as follows:

Section 134. No court, other than the supreme court, shall be open for the transaction of judicial business on any of the holidays mentioned in section ten, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict;
2. To receive a verdict or discharge a jury;
3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

SEC. 20. Section one hundred and thirty-five of said code is hereby amended to read as follows:

Section 135. If any day mentioned in section ten be a day appointed for the holding or sitting of any court, other than the supreme court, it shall be deemed adjourned to the next succeeding judicial day.

SEC. 21. Section one hundred and forty of said code is hereby repealed.

SEC. 22. Section one hundred and forty-four of said code is hereby amended to read as follows:

Section 144. If suitable rooms for holding the superior courts and the chambers of the judges of said courts are not provided in any county by the supervisors thereof, together with the attendants, furniture, fuel, lights, and stationery, sufficient for the transaction of business, the courts, or the judge or judges thereof, may direct the sheriff of the county to provide such rooms, attendants, furniture, fuel, lights and stationery; and the expenses incurred, certified by the judge or judges to be correct, are a charge against the county treasury, and must be paid out of the general fund thereof.

SEC. 23. Section one hundred and fifty-six of said code is hereby repealed.

SEC. 24. Section one hundred and fifty-seven of said code is hereby repealed.

SEC. 25. Section one hundred and sixty-one of said code is hereby repealed.

SEC. 26. Section one hundred and seventy of said code is hereby amended to read as follows:

Section 170. No justice, judge, or justice of the peace must sit or act as such in any action or proceeding:

1. To which he is a party or in which he is interested;
2. When he is related to either party, or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity, within the third degree, computed according to the rules of law;
3. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for either party; or when he has given advice to either party upon any matter involved in the action or proceeding.

4. When either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before any judge of a court of record about to try the case by reason of the prejudice or bias of such judge, he must forthwith secure the services of some other judge, of the same or another county, to preside at the trial of said action or proceeding. In an action in the superior court of a county having more than one department, said action shall be transferred to another department thereof, and tried therein in the same manner as though originally assigned to such department. The affidavit or affidavits alleging the disqualification of a judge must be filed and served upon the adverse party, or the attorney for such party, at least one day before the day set for trial of such action or proceeding. Counter affidavits may be filed at least one day thereafter, or such further time as the court may grant for filing such counter affidavits, not exceeding five days, and for this purpose the court may continue the trial. In no one cause or proceeding can more than one such change of judges be had. The provisions of this section do not apply to the arrangement of the calendar, the regulation of the order of business, the power of transferring the action or proceeding to some other court, nor the hearing upon such affidavits and counter affidavits.

Sec. 27. Section one hundred and ninety-eight of said code is hereby amended to read as follows:

Section 198. A person is competent to act as a juror if he is:

1. A citizen of the United States of the age of twenty-one years, and not exceeding sixty-five years, who has been a resident of the state one year, and of the county ninety days, before being selected and returned;
2. In possession of his natural faculties, and of ordinary intelligence, and not decrepit;
3. Possessed of sufficient knowledge of the English language; and
4. Assessed on the last assessment roll of the county, on property belonging to him, or a member of a partnership whose property is so assessed.

Sec. 28. Section one hundred and ninety-nine of said code is hereby amended to read as follows:

Section 199. A person is not competent to act as juror:

1. Who does not possess the qualifications prescribed by the preceding section; or,
2. Who has been convicted of any malfeasance in office, or of any felony or a misdemeanor involving moral turpitude.

Sec. 29. Section two hundred and forty-one of said code be amended to read as follows:

Section 241. Every superior court, whenever in the opinion of the court the public interest requires it, may make and file with the county clerk an order directing a jury to be drawn, and designating the number, which, in case of a grand jury, must not be less than twenty-five nor more than thirty. In all counties having less than three superior court judges, there must be one grand jury drawn and impaneled in each year; and in all counties having three or more superior court judges, there must be two grand juries drawn and impaneled in each year. Such order must designate the time at which the drawing will take place. The names of such jurors must be drawn, the list of names certified and summoned, as provided for drawing and summoning trial jurors; and the names of any persons drawn, who may not be impaneled upon the grand jury, may be again placed in the grand-jury box.

Sec. 30. Section two hundred and sixty-nine of said code be amended to read as follows:

Section 269. The judge or judges of any superior court in the state may appoint a competent phonographic reporter, or as many such reporters as there are judges, to be known as official reporter or reporters of such court, and to hold office during the pleasure of the judge or judges appointing them. Such reporter, or any one of them, where there are two or more, must, at the request of either party, or of the court in a civil action or proceeding, and on the order of the court, the district attorney, or the attorney for defendant in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, and all statements, remarks, and arguments of counsel, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court.

Sec. 31. Section two hundred and seventy-three of said code be amended to read as follows:

Section 273. The report of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of such testimony and proceedings.

Sec. 32. Section two hundred and seventy-four of said code be amended to read as follows:

Section 274. For his services, the official reporter is entitled to the following fees, except in counties where a statute provides otherwise:

For reporting testimony and proceedings, ten dollars per day, which amount, when more than one case is reported in one day, must be apportioned by the court between the several cases;

For transcription, for one copy, twenty cents per hundred words; for two copies made at one time, fifteen cents each per hundred words; for three copies made at one time, eleven cents each per hundred words; for four copies made at one time, nine cents each per hundred words; and for five or more copies made at one time, eight cents each per hundred words.

In criminal cases, the fees for reporting and for transcripts ordered by the court to be made must be paid out of the county treasury upon the order of the court; *provided*, that when there is no official reporter in attendance, and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in like manner.

In civil cases, the fees for reporting and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at his option, pay the whole thereof; and, in either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties must be paid by the party ordering the same. No reporter must be required to perform any service in a civil case until his fees therefor have been paid to him or deposited with the clerk of the court.

In each county in which a salary is provided by law for the official reporter, he must collect in advance, and pay into the county treasury, all fees herein provided to be paid by private parties which are, by such law, required to be paid into the county treasury.

SEC. 33. Section two hundred and eighty of said code is hereby amended to read as follows:

Section 280. The clerk of the supreme court must keep a roll of attorneys and counselors admitted to practice by the court of which he is clerk, which roll must be signed by the person admitted before he receives his license.

SEC. 34. Section two hundred and eighty-one of said code is hereby amended to read as follows:

Section 281. If any person shall practice law in any court, except a justice's or police court, without having received a license as attorney and counselor, or shall advertise or hold himself out as practicing or entitled to practice law, he shall be guilty of a contempt of the court in which he shall so practice, or respecting which he shall advertise or hold himself out as practicing, or entitled to practice.

SEC. 35. Section two hundred and eighty-seven of said code is hereby amended to read as follows:

Section 287. An attorney and counselor may be removed or suspended by the supreme court, or any department thereof, or by a superior court, for either of the following causes, arising after his admission to practice:

1. His conviction of a felony or a misdemeanor involving moral turpitude, in which case the record of conviction is conclusive evidence;

2. Willful disobedience or violation of an order of the court requiring him to do or forbear an act connected with or in the course of his profession, which he ought in good faith to do or forbear, and any violation of the oath taken by him, or of his duties as such attorney and counselor;

3. Corruptly or willfully and without authority appearing as attorney for a party to an action or proceeding;

4. Lending his name to be used as attorney and counselor by another person who is not an attorney and counselor;

5. Failing, refusing, or neglecting, if an alien, to become a citizen of the United States for six months after the time when entitled to such citizenship.

In all cases where an attorney is removed or suspended by a superior court, the judgment or order of removal or suspension may be reviewed on appeal by the supreme court.

SEC. 36. A new section is hereby added to said code to be numbered three hundred and to read as follows:

Section 300. The measure and mode of compensation of attorneys and counselors at law are left to the agreement, express or implied, of the parties; and no attorney or counselor at law shall have any lien whatever for his compensation except by express agreement between himself and his client. If by agreement in writing he is given any lien upon the recovery to be had in an action or proceeding, and such agreement is filed with the clerk of the court and entered upon the register in such action or proceeding, such filing and entry shall from its date be sufficient notice to all persons of the lien.

SEC. 37. Section three hundred and four of said code is hereby repealed.

SEC. 38. Section three hundred and twenty-five of said code is hereby amended to read as follows:

Section 325. For the purpose of constituting an adverse possession by a person claiming title not founded upon a written instrument, judgment or decree, land is deemed to have been possessed and occupied in the following cases only:

1. Where it has been protected by a substantial enclosure;

2. Where it has been usually cultivated or improved;

3. Where, within defined boundaries, it has openly been so used as to exclude other persons therefrom.

SEC. 39. Section three hundred and twenty-eight of said code is hereby amended to read as follows:

Section 328. If a person entitled to commence an action for the recovery of real property, or for the recovery of the possession thereof, or to make any entry or defense founded on the title to real property, or to rents or services out of the same, is, at the time such title first descends or accrues, either:

1. Under the age of majority;

2. Insane;

3. Imprisoned on a criminal charge, or in execution upon conviction of a criminal offense, for a term less than life;—The time during which such disability continues is not deemed any portion of the time in this chapter limited for the commencement of such action, or the making of such entry or defense, but such action may be commenced, or entry or defense made, within the period of five years after such disability shall cease, or after the death of the person entitled who shall die under such disability, but such action shall not be commenced, or entry or defense made, after that period.

SEC. 40. A new section is hereby added to said code to be numbered three hundred and twenty-nine and to read as follows:

Section 329. In no case must adverse possession be considered established unless the party, his predecessors or grantors, have for a period of five years continuously paid all the taxes, state, county, and municipal, which during that period have been levied upon the land or interest claimed.

Sec. 41. Section three hundred and fifty-two of said code is hereby amended to read as follows:

Section 352. If a person entitled to bring an action mentioned in chapter three of this title is, at the time the cause of action accrued, either:

1. Under the age of majority;
2. Insane;

3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court, for a term less than life;—The time of such a disability is not a part of the time limited for the commencement of the action.

Sec. 42. Section three hundred and fifty-five of said code is hereby amended to read as follows:

Section 355. If an action is commenced within the time prescribed therefor, and a judgment therein for the plaintiff is reversed on appeal, the plaintiff, or if he dies and the cause of action survives, his representatives, may commence a new action within one year after the reversal. If a judgment for the possession of property is not appealed from, or, if appealed from, is affirmed, the possession held by the defendant and those claiming under him from the commencement of the action to its final determination must not be deemed adverse to the plaintiff for the purpose of creating or completing title by prescription.

Sec. 43. Section three hundred and sixty-two of said code is hereby amended to read as follows:

Section 362. Neither this title, nor any amendment thereto, extends to any action commenced before this title or such amendment takes effect, nor to cases where the time prescribed by the law in force prior to the taking effect of this title or such amendment, for acquiring a right or barring a remedy, should, at that time, have fully run; but the laws in force at the time that this title or such amendment takes effect are applicable to such actions and cases, and are repealed subject to the provisions of this section.

Sec. 44. Section three hundred and sixty-seven of said code is hereby amended to read as follows:

Section 367. Every action must be prosecuted in the name of the real party in interest, except as provided in section three hundred and sixty-nine. A person to whom a cause of action has been assigned merely for collection, and with no interest in the title other than a commission on, or share in, the cause assigned or the amount collected, is not the real party in interest within the meaning of this section. But a plaintiff suing on a cause of action accruing in his own favor may join therewith any cause of action held by him by assignment, though such assignment is merely for collection.

Sec. 45. Section three hundred and seventy of said code is hereby amended to read as follows:

Section 370. A married woman may sue or be sued, and may prosecute or defend any action or proceeding, as if unmarried.

Sec. 46. Section three hundred and seventy-five of said code is hereby amended to read as follows:

Section 375. A father, or in case of his death or desertion of his family, the mother, may prosecute as plaintiff for the seduction of the daughter, though she was not living with or in the service of the plaintiff at the time of the seduction or afterwards, and there was no loss of service.

Sec. 47. Section three hundred and seventy-six of said code is hereby amended to read as follows:

Section 376. A father, or in case of his death or desertion of his family, the mother, may maintain an action for the injury or death of a minor child, when such injury or death is caused by the wrongful act or neglect of another. Such action may be maintained against the person causing the injury or death, or if such person is employed by another person who is responsible for his conduct, also against such other person.

Sec. 48. Section three hundred and seventy-seven of said code is hereby amended to read as follows:

Section 377. When the death of a person, not being a minor, is caused by the wrongful act or neglect of another, his heirs or personal representatives may maintain an action for damages against the person causing the death, or if such person is employed by another who is responsible for his conduct, then also against such other person. In every action under this and the two preceding sections, such damages may be given as under all the circumstances of the case may be just.

Sec. 49. Section three hundred and eighty-six of said code is hereby amended to read as follows:

Section 386. A defendant against whom an action is pending upon a contract, or for specific personal property, may, at any time before answer, upon affidavit that a person not a party to the action makes against him, and without any collusion with him, a demand upon such contract, or for such property, upon notice to such person and the adverse party, apply to the court for an order to substitute such person in his place, and discharge him from liability to either party, on his depositing in court the amount claimed on the contract, or delivering the property, or its value, to such person as the court may direct; and the court may, in its discretion, make the order. The person substituted as defendant must, within ten days after the service on him of a copy of such order and of the complaint in the action, plead to the same, and set forth his claim under such contract or to such property. Otherwise, the plaintiff is entitled to judgment for the money or property so deposited or delivered. And whenever conflict-

ing claims are or may be made upon a person for or relating to personal property, or the performance of an obligation, or any portion thereof, such person may bring an action against the conflicting claimants to compel them to interplead and litigate their several claims among themselves. The order of substitution may be made, and the action of interpleader may be maintained, and the applicant or plaintiff be discharged from liability to all or any of the conflicting claimants, although their titles or claims have not a common origin, or are not identical, but are adverse to and independent of one another.

SEC. 50. Section three hundred and eighty-seven of said code is hereby amended to read as follows:

Section 387. Any person may, before the trial, intervene in an action or proceeding, who has an interest in the matter in litigation, in the success of either of the parties, or an interest against both. An intervention takes place when a third person is permitted to become a party to an action or proceeding between other persons, either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and the defendant, and is made by complaint, setting forth the grounds upon which the intervention rests, filed by leave of the court and served upon the parties to the action or proceeding who have not appeared, and upon the attorneys of the parties who have appeared, who may answer or demur to it within ten days from the service thereof.

SEC. 51. Section three hundred and eighty-eight of said code is hereby amended to read as follows:

Section 388. When two or more persons, associated in any business, transact such business under a common name, whether it comprises the names of such persons or not, the associates may be sued by such common name, the summons in such cases being served on one or more of the associates; and the judgment in the action shall bind the joint property of all the associates and the individual property of the party or parties served with process, in the same manner as if all had been named defendants and had been sued upon their joint liability.

SEC. 52. Section three hundred and eighty-nine of said code is hereby amended to read as follows:

Section 389. The court may determine any controversy between parties before it: when it can be done without prejudice to the rights of others, or by saving their rights; but when a complete determination of the controversy cannot be had without the presence of other parties, the court must then order them to be brought in, and to that end may order amended and supplemental pleadings, or a cross-complaint to be filed, and summons thereon to be issued and served. And when, in an action for the recovery of real or personal property, or to determine conflicting claims thereto, a person, not a party to the action, but having an interest in the subject thereof, makes application to the court to be made a party, it may order him to be brought in, by the proper amendment.

SEC. 53. Section three hundred and ninety of said code is hereby repealed.

SEC. 54. Section three hundred and ninety-two of said code is hereby amended to read as follows:

Section 392. Actions for the following causes must be tried in the county in which the subject of the action, or some part thereof, is situated, subject to the power of the court to change the place of trial, as provided in this code:

1. For the recovery of real property, or of an estate or interest therein, or for the determination, in any form, of such right or interest, and for injuries to real property;
2. For partition of real property;
3. For the foreclosure of all liens and mortgages on real property.

Where the real property is situated partly in one county and partly in another, the plaintiff may select either of the counties, and the county so selected is the proper county for the trial of such action.

SEC. 55. Section three hundred and ninety-four of said code is hereby amended to read as follows:

Section 394. An action against a county may be commenced and tried in such county, unless such action is brought by a county, in which case it may be commenced and tried in any county not a party thereto. Whenever an action is brought by a county or city against residents of another county or city, or a corporation doing business in the latter, the action must be, on the motion of the defendant, transferred for trial to a county, other than the plaintiff, if the plaintiff is a county, and other than that in which the plaintiff is situated, if the plaintiff is a city.

SEC. 56. Section three hundred and ninety-five of said code is hereby amended to read as follows:

Section 395. In all other cases, the action must be tried in the county in which the defendants, or some of them, reside at the commencement of the action. If none of the defendants reside in the state, or, if residing in the state, and the county in which they reside is unknown to the plaintiff, the same may be tried in any county which the plaintiff may designate in his complaint, and if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside, or service is had, subject, however, to the power of the court to change the place of trial, as provided in this code. If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the county where he resides, his residence must not be considered in determining which is the proper county for the trial of the action.

SEC. 57. Section three hundred and ninety-six of said code is hereby amended to read as follows:

Section 396. If the county in which the action is commenced is not the proper county for the trial thereof, the action may, notwithstanding, be tried therein, unless the defendant at the time he answers or demurs, files an affidavit of merits, and demands, in writing, that the trial be had in the proper county.

SEC. 58. Section three hundred and ninety-seven of said code is hereby amended to read as follows:

Section 397. The court may, on motion, change the place of trial in the following cases:

1. When the county designated in the complaint is not the proper county;
2. When there is reason to believe that an impartial trial cannot be had therein;
3. When the convenience of witnesses and the ends of justice would be promoted by the change;
4. When from any cause there is no judge of the court qualified to act.

SEC. 59. Section four hundred and six of said code is hereby amended to read as follows:

Section 406. The clerk must indorse on the complaint the day, month, and year that it is filed; and at any time within one year thereafter the plaintiff may have a summons issued; and if the action is brought against two or more defendants, who reside in different counties, may have a summons issued for each of such counties at the same time. But at any time after the complaint is filed, the defendant may, in writing, or by appearing and answering or demurring, waive the issuing of summons.

SEC. 60. Section four hundred and seven of said code is hereby amended to read as follows:

Section 407. The summons must be directed to the defendant, signed by the clerk, and issued under the seal of the court, and must contain:

1. The names of the parties to the action, the court in which it is brought, and the county in which the complaint is filed;
2. A direction that the defendant appear and answer the complaint within ten days, if the summons is served within the county in which the action is brought; within thirty days, if served elsewhere;
3. If the action is upon a contract, and the complaint demands judgment for money or damages, a notice that unless the defendant so appears and answers, the plaintiff will take judgment for such amount, naming it; and, in all other cases, a notice that unless the defendant so appears and answers, the plaintiff will apply to the court for the relief demanded in the complaint.

SEC. 61. Section four hundred and eight of said code is hereby amended to read as follows:

Section 408. If the summons is returned without being served on any or all of the defendants, or if it has been lost, the clerk, upon the demand of the plaintiff, may issue an alias summons, in the same form as the original.

SEC. 62. Section four hundred and nine of said code is hereby amended to read as follows:

Section 409. At any time after the commencing of an action affecting the title to, or the right to the possession of, real property, any party thereto may record in the office of the county recorder of the county in which such property, or any part thereof, is situate, a notice, signed by himself or his attorney, of the pendency of the action, stating the names of the parties thereto, and describing the property in that county affected thereby. Only from the filing of such notice for record shall a purchaser or incumbrancer of such property be deemed to have constructive notice of the pendency of the action, and only of its pendency against parties designated by their real names. Persons claiming any interest in, or lien upon, such property, under any writing executed by any of the parties named in such notice, but which writing has not at the time of filing such notice for record been filed for record in such county, are deemed to have constructive notice of the pendency of such action, and may intervene therein, and, whether they do so or not, are bound by the judgment and precluded from thereafter asserting any such interest or lien.

SEC. 63. Section four hundred and ten of said code is hereby amended to read as follows:

Section 410. The summons may be served by the sheriff of the county where the defendant is found, or by any other person over the age of eighteen years, not a party to the action. A copy of the complaint must be served with the summons, upon each of the defendants. When the summons is served by the sheriff, it must be returned, with his certificate of its service, and of the service of any copy of the complaint, where such copy is served, to the office of the clerk from which it issued. When it is served by any other person, it must be returned to the same place with an affidavit of such person of its service, and of the service of a copy of the complaint, where such copy is served.

SEC. 64. Section four hundred and twelve of said code is hereby amended to read as follows:

Section 412. Where the person on whom service is to be made resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or conceals himself to avoid the service of summons, or is a foreign corporation having no managing or business agent, cashier or secretary within the state, and the fact appears by affidavit to the satisfaction of the court, or the judge thereof; and it also appears by such affidavit, or by the verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, or that he is

a necessary or proper party to the action; or when it appears by such affidavit, or by the complaint on file therein, that it is an action which relates to, or the subject of which is real or personal property in this state, in which such person defendant or foreign corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part in excluding such person or foreign corporation from any interest therein, such court or judge may make an order that the service be made by the publication of the summons.

SEC. 65. Section four hundred and thirteen of this code is hereby amended to read as follows:

Section 413. The order must direct the publication to be made in a newspaper, to be designated, as most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, at least once a week; but publication against a defendant residing out of the state, or absent therefrom, must not be less than two months. In case of publication, where the residence of a nonresident or absent defendant is known, the court or judge must direct a copy of the summons and complaint to be forthwith deposited in the postoffice, directed to the person to be served, at his place of residence. When publication is ordered, personal service of a copy of the summons and complaint out of the state is equivalent to publication and deposit in the postoffice, and in either case the service of the summons is complete at the expiration of the time prescribed by the order for publication. The plaintiff must annex to, and publish with, the summons a notice, signed by himself or his attorney, stating the nature of the cause of action, and of the relief sought; and when the action is to recover possession of, or to enforce a lien upon, or determine the title to, real or personal property, such fact must also be stated and the property described.

SEC. 66. Section four hundred and fifteen of this code is hereby amended to read as follows:

Section 415. Proof of the service of summons and complaint must be as follows:

1. If served by the sheriff, his certificate thereof;
2. If by any other person, his affidavit thereof;
3. In case of publication, the affidavit of the printer, or his foreman or principal clerk, showing the same, and an affidavit of a deposit of a copy of the summons in the postoffice, if the same has been deposited; or
4. The written admission of the defendant.

In case of service otherwise than by publication, the certificate or affidavit must state the time and place of service.

SEC. 67. A new section is hereby added to said code, to be numbered four hundred and seventeen and to read as follows:

Section 417. In an action for libel or slander the plaintiff must, at the time of filing the complaint, file an undertaking on the part of plaintiff in the sum of five hundred dollars, with at least two sufficient sureties to the effect that if the action is dismissed or the defendant recovers judgment they will pay such costs and charges as may be awarded against the plaintiff by judgment or in the progress of the action, or on appeal, not exceeding the sum specified in the undertaking. An action commenced without filing such undertaking must be dismissed. Each of the sureties on such undertaking must annex to the same an affidavit such as is required by section ten hundred and fifty-seven.

SEC. 68. A new section is hereby added to said code to be numbered four hundred and eighteen and to read as follows:

Section 418. Within ten days after the service of the summons, the defendant may give to the plaintiff notice in writing that he excepts to the sufficiency of the sureties or either of them. Such surety or sureties must thereupon justify within the time and in the manner provided by sections four hundred and ninety-three, four hundred and ninety-five, and four hundred and ninety-six. If the sureties fail to appear, or the judge finds the sureties or either of them insufficient, he must order a new undertaking to be given. The judge may also at any time order a new or additional undertaking, upon proof that the sureties have become insufficient. In case a new or additional undertaking is ordered all proceedings in the case must be stayed until such undertaking is executed and filed, with the approval of the judge. If the undertaking is not filed within five days after the order therefor, the court must dismiss the action. In case plaintiff recovers judgment, he must be allowed as costs one hundred dollars, to cover counsel fees, in addition to the other costs. In case the action is dismissed, or the defendant recovers judgment, he must be allowed one hundred dollars, to cover counsel fees, in addition to the other costs, and judgment therefor shall be entered accordingly.

SEC. 69. Section four hundred and twenty-two of said code is hereby amended to read as follows:

Section 422. The only pleadings allowed on the part of the plaintiff are:

1. The complaint;
 2. The demurrer to the answer;
 3. The demurrer to the cross-complaint;
 4. The answer to the cross-complaint;
- And on the part of the defendant:
1. The demurrer to the complaint;
 2. The answer;
 3. The cross-complaint;
 4. The demurrer to the answer to the cross-complaint.

SEC. 70. Section four hundred and twenty-seven of said code is hereby amended to read as follows:

Section 427. The plaintiff may unite several causes of action in the same complaint, where they all arise out of:

1. A single act committed by the defendant, or several such acts constituting but a single transaction;
2. Contracts, express or implied;
3. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same;
4. Claims to recover specific personal property, with or without damages for the withholding thereof;
5. Claims against a trustee by virtue of a contract or by operation of law;
6. Injuries to character;
7. Injuries to person;
8. Injuries to property.

The causes of action so united must all, except in the cases mentioned in subdivision one, belong to one only of these classes, and must affect all the parties to the action, and not require different places of trial, and must be separately stated; but an action for malicious arrest and prosecution, or either of them, may be united with an action for an injury either to character or to the person.

SEC. 71. Section four hundred and thirty of said code is hereby amended to read as follows:

Section 430. The defendant may demur to the complaint within the time required in the summons to answer, when it appears upon the face thereof, either:

1. That the court has no jurisdiction of the person of the defendant, or the subject of the action;
2. That the plaintiff has not legal capacity to sue;
3. That there is another action pending between the same parties for the same cause;
4. That there is a defect or misjoinder of parties plaintiff or defendant;
5. That several causes of action have been improperly united, or not separately stated;
6. That the complaint does not state facts sufficient to constitute a cause of action; or,
7. That the complaint is ambiguous, unintelligible, or uncertain.

SEC. 72. Section four hundred and thirty-one of said code is hereby amended to read as follows:

Section 431. The demurrer must distinctly specify the grounds upon which any of the objections to the complaint are taken. Unless it does so, it may be disregarded. It may be taken to the whole complaint, or to any of the causes of action stated therein; and the defendant may demur and answer at the same time.

SEC. 73. Section four hundred and thirty-two of said code is hereby repealed.

SEC. 74. Section four hundred and thirty-nine of said code is hereby amended to read as follows:

Section 439. If the defendant omits to set up a counterclaim upon a cause arising out of the transaction set forth in the complaint as the foundation of the plaintiff's claim, neither he nor his assignee can afterwards maintain an action against the plaintiff therefor.

SEC. 75. Section four hundred and forty-two of said code is hereby amended to read as follows:

Section 442. Whenever the defendant seeks affirmative relief against any party to the action, relating to or depending upon the contract or transaction upon which the action is brought, or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, and such parties may demur or answer thereto as to the original complaint.

SEC. 76. Section four hundred and forty-three of said code is hereby amended to read as follows:

Section 443. The plaintiff may within ten days after the service of the answer demur thereto, or to one or more of the several defenses or counterclaims set up therein.

SEC. 77. Section four hundred and forty-four of said code is hereby amended to read as follows:

Section 444. The demurrer may be taken upon one or more of the following grounds:

1. That several causes of counterclaim have been improperly joined, or not separately stated;
2. That the answer does not state facts sufficient to constitute a defense or counterclaim;
3. That the answer is ambiguous, unintelligible, or uncertain.

SEC. 78. Section four hundred and forty-six of said code is hereby amended to read as follows:

Section 446. Every pleading must be subscribed by the party or his attorney; and when the complaint is verified, or when the state, or any officer of the state, in his official capacity, is plaintiff, the answer must be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or unless an officer of the state, in his official capacity, is defendant. In all cases of a verification of a pleading, the affidavit of the party must state that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters that he believes it to be true; and where a pleading is verified, it must be by the affidavit of a party, unless the parties are absent from the county where

the attorney has his office, or from some cause unable to verify it, or the facts are within the knowledge of his attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he must set forth in the affidavit the reasons why it is not made by one of the parties. When a corporation is a party, the verification may be made by any officer thereof.

SEC. 79. Section four hundred and fifty-nine of said code is hereby amended to read as follows:

Section 459. In pleading a private statute, or an ordinance of a county or municipal corporation, or a right derived therefrom, it is sufficient to refer to such statute or ordinance by its title and the day of its passage.

SEC. 80. Section four hundred and seventy-two of said code is hereby amended to read as follows:

Section 472. Any pleading may be amended once by the party of course, and without costs, at any time before answer or demurrer filed, or after demurrer and before the trial of the issue of law thereon, by filing the same as amended, and serving a copy on the adverse party, who may have ten days thereafter in which to answer or demur to the amended pleading. A demurrer is not waived by filing an answer at the same time: and when the demurrer to a complaint is overruled, and there is no answer filed, the court may, upon such terms as may be just, allow an answer to be filed. If a demurrer to the answer is overruled, the facts alleged in the answer must be considered as denied to the extent mentioned in section four hundred and sixty-two. If the complaint is amended, a copy of the amendments must be filed, or the court may, in its discretion, require the complaint, as amended, to be filed, and a copy of the amendments, or amended complaint, must be served upon the defendants affected thereby. The defendant must answer the amendment or the complaint as amended, within ten days after service thereof, or such other time as the court may direct, and judgment by default may be entered upon failure to answer, as in other cases.

SEC. 81. Section four hundred and seventy-six of said code is hereby amended to read as follows:

Section 476. When a demurrer to any pleading is sustained or overruled, and time to amend or answer is given, the time so given runs from the service of the notice of the decision or order, unless it appears by the minutes of the court that the party or attorney entitled to notice was present in court when the order was made, in which case no notice is necessary.

SEC. 82. Section five hundred and twelve of said code is hereby amended to read as follows:

Section 512. Upon receipt of the affidavit and notice with a written undertaking, executed by two or more sufficient sureties, approved by the sheriff, to the effect that they are bound to the defendant in double the value of the property, as stated in the affidavit for the prosecution of the action, for the return of the property to the defendant, if return thereof is adjudged, and for the payment to him of such sum as may, from any cause, be recovered against the plaintiff, the sheriff must forthwith take the property described in the affidavit, if it is in the possession of the defendant or his agent, and retain it in his custody. He must, without delay, serve on the defendant a copy of the affidavit, indorsement, and undertaking, by delivering the same to him personally, if he can be found, or to his agent from whose possession the property is taken, or if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion, or if neither has any known place of abode, by putting them in the nearest postoffice, directed to the defendant.

SEC. 83. Section five hundred and nineteen of said code is hereby amended to read as follows:

Section 519. If the property taken is claimed by any other person than the defendant or his agent, and such person makes affidavit of his title thereto, or right to the possession thereof, and serves the same upon the sheriff, the sheriff is not bound to keep the property or deliver it to the plaintiff, unless the plaintiff, on demand of him or his agent, indemnifies the sheriff against such claim, by an undertaking, by two sufficient sureties, in a sum equal to double the value of the property taken: and the sheriff is not liable for damages for such taking to any person other than the defendant or his agent, unless such claim is made.

SEC. 84. Section five hundred and twenty-five of said code is hereby amended to read as follows:

Section 525. An injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court in which the action is brought, or by a judge thereof; and when granted by a judge, it may be enforced as an order of the court.

SEC. 85. Section five hundred and twenty-six of said code is hereby amended to read as follows:

Section 526. An injunction may be granted in the following cases:

1. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;

2. When it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action;

3. When it appears, during the litigation, that a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party to the action respecting the subject of the action, and tending to render the judgment ineffectual;

4. Where pecuniary compensation would not afford adequate relief;
 5. Where it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief;
 6. Where the restraint is necessary to prevent a multiplicity of judicial proceedings;
 7. Where the obligation arises from a trust.
- An injunction cannot be granted:
1. To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded, unless such restraint is necessary to prevent a multiplicity of such proceedings;
 2. To stay proceedings in a court of the United States;
 3. To stay proceedings in another state upon a judgment of a court of that state;
 4. To prevent the execution of a public statute by officers of the law for the public benefit;
 5. To prevent the breach of a contract, the performance of which would not be specifically enforced;
 6. To prevent the exercise of a public or private office, in a lawful manner, by the person in possession;
 7. To prevent a legislative act by a municipal corporation.

SEC. 86. Section five hundred and twenty-seven of said code is hereby amended to read as follows:

Section 527. An injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits, if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. A copy of the complaint or of the affidavits, upon which the injunction was granted, must, if not previously served, be served therewith. No injunction granted prior to the trial of the cause shall continue in force longer than twelve months, after answer filed, except by consent of the parties, unless the cause has been set for trial upon its merits, or unless the party in whose favor it was granted has sought to have the cause so set for trial, and the failure to set it has not been due to his fault.

SEC. 87. Section five hundred and twenty-nine of said code is hereby amended to read as follows:

Section 529. On granting an injunction, the court or judge must require, except when it is granted on the application of the people of the state, a county, or a municipal corporation, or a wife against her husband, a written undertaking on the part of the applicant, with sufficient sureties, to the effect that he will pay to the party enjoined such damages, not exceeding an amount to be specified, as such party may sustain by reason of the injunction, if the court finally decides that the applicant was not entitled thereto. Within five days after the service of the injunction, the person enjoined may except to the sufficiency of the sureties, and unless within five days thereafter, upon notice of not less than two days to the person enjoined, such sureties, or others in their place, justify before a judge of the court or county clerk at a time and place designated in such notice, the order granting the injunction must be dissolved.

SEC. 88. Section five hundred and thirty of said code is hereby amended to read as follows:

Section 530. If the court or judge deems it proper that the person sought to be enjoined be heard before granting the injunction, an order may be made requiring cause to be shown, at a specified time and place, why the injunction should not be granted; and he may, in the meantime, be restrained. In all actions pending or which may be hereafter brought, when an injunction or restraining order has been or may be granted, or applied for, to prevent the diversion, pending the litigation, of water used or to be used for irrigation or domestic purposes only, if it be made to appear to the court that the plaintiff is entitled to the injunction, but that the issuance thereof pending the litigation will entail great damage upon the defendant, and that plaintiff can be fully compensated for such damages as he may suffer, the court may refuse the injunction upon the defendant giving a bond, such as is provided for in section five hundred and thirty-two; and upon the trial the same proceedings shall be had, and with the same effect, as in said section provided.

SEC. 89. Section five hundred and thirty-one of said code is hereby amended to read as follows:

Section 531. An injunction to suspend the general and ordinary business of a corporation cannot be granted without due notice of the application therefor to the proper officers or managing agent of the corporation, except when the people of this state are a party to the proceeding.

SEC. 90. Section five hundred and thirty-two of said code is hereby amended to read as follows:

Section 532. If an injunction is granted without notice to the person enjoined, he may apply, upon reasonable notice to the judge who granted the injunction, or to the court in which the action was brought, to dissolve or modify the same. The application may be made upon the complaint or the affidavit on which the injunction was granted, or upon affidavit on the part of the person enjoined, with or without the answer. If the application is made upon affidavits on the part of the person enjoined, but not otherwise, the person against whom the application is made may oppose the same by affidavits or other evidence in addition to that on which the injunction was granted. In all actions pending, or which may hereafter be brought, wherein an injunction or restraining order has been or may be granted or applied for, to prevent the diversion, pending the litigation, of water used, or to be used, for irrigation or

domestic purposes only, if it be made to appear to the court that great damage will be suffered by the person enjoined, in case the injunction is continued, and that the person in whose behalf it issued can be fully compensated for any damages he may suffer by reason of the continuance of the acts enjoined during the pendency of the litigation, the court, in its discretion, may dissolve or modify the injunction, upon the person enjoined giving a bond with sureties to be approved by the judge, and in such amount as may be fixed by the court or judge, conditioned that such enjoined person will pay all damages which the person in whose behalf the injunction issued may suffer by reason of the continuance, during the litigation, of the acts complained of. Upon the trial the amount of such damages must be ascertained, and in case judgment is rendered for the person in whose behalf the injunction was granted, the amount fixed as such damages must be included in the judgment, together with reasonable attorney's fees. In any suit brought on the bond, the amount of such damages as fixed in said judgment is conclusive on the sureties.

Sec. 91. Section five hundred and thirty-eight of said code is hereby amended to read as follows:

Section 538. The clerk of the court must issue the writ of attachment, upon receiving an affidavit by or on behalf of the plaintiff, showing:

1. That the defendant is indebted to the plaintiff, specifying the amount of such indebtedness over and above all legal setoffs or counterclaims, upon a contract, express or implied, for the direct payment of money, and that such contract was made or is payable in this state, and that the payment of the same has not been secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, that such security has, without any act of plaintiff, or the person to whom the security was given, become valueless; or,

2. That the defendant is a nonresident of the state, and is indebted to the plaintiff, specifying the amount of such indebtedness over and above all legal setoffs or counterclaims, upon a contract, express or implied;

3. That the attachment is not sought, nor is the action prosecuted, to hinder, delay, or defraud any creditor of the defendant.

Sec. 92. Section five hundred and thirty-nine of said code is hereby amended to read as follows:

Section 539. Before issuing the writ, the clerk must require a written undertaking on the part of the plaintiff, in a sum not less than two hundred dollars and not exceeding the amount claimed by the plaintiff, with sufficient sureties, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, and that if the attachment is discharged on the ground that the plaintiff was not entitled thereto under section five hundred and thirty-seven, the plaintiff will pay all damages which the defendant may have sustained by reason of the attachment, not exceeding the sum specified in the undertaking. At any time after the issuing of the attachment, but not later than five days after notice of the levy thereof, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When excepted to, the plaintiff's sureties, upon notice to the defendant of not less than two nor more than five days, must justify before a judge in the same manner as upon bail on arrest; and upon failure to justify, or if others in their place fail to justify, at the time and place appointed, the judge must issue an order vacating the writ of attachment.

Sec. 93. Section five hundred and forty-two of said code is hereby amended to read as follows:

Section 542. The sheriff to whom the writ is directed and delivered must execute the same without delay, and if the undertaking mentioned in section five hundred and forty is not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached;

2. Real property, or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property, and a notice that such real property, and any interest of the defendant therein, held by or standing in the name of such other person (naming him), are attached; and by leaving with such other person, or his agent, if known and within the county, or at the residence of either, if within the county, a copy of the writ, with a similar description and notice. The recorder must index such attachment when filed in the names, both of the defendant and of the person by whom the property is held or in whose name it stands on the records;

3. Personal property, capable of manual delivery, must be attached by taking it into custody;

4. Stocks or shares, or interests in stocks or shares, of any corporation or company, must be attached by leaving with the president, or other head of the same, or the secretary, cashier, or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ;

5. Debts and credits, and other personal property, not capable of manual delivery, must be attached by leaving with the person owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent, a copy of the writ, and a notice that the debts owing by him to the defendant, or the

credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ.

SEC. 94. Section five hundred and fifty-three of said code is hereby amended to read as follows:

Section 553. If the defendant recovers judgment against the plaintiff, and no appeal is perfected and undertaking executed and filed as provided in section nine hundred and thirty-seven, any undertaking received in the action, all the proceeds of sales and money collected by the sheriff, and all the property attached remaining in the sheriff's hands, must be delivered to the defendant or his agent, the order of attachment be discharged, and the property released therefrom.

SEC. 95. Section five hundred and fifty-four of said code is hereby amended to read as follows:

Section 554. Whenever the defendant has appeared in the action, he may, upon reasonable notice to the plaintiff, apply to the court in which the action is pending, or to the judge thereof, for an order to discharge the attachment, wholly or in part; and upon the execution of the undertaking mentioned in the next section, an order may be made, releasing from the operation of the attachment any or all of the property attached; and all of the property so released, and all of the proceeds of the sales thereof, must be delivered to the defendant, upon the justification of the sureties on the undertaking, if required by the plaintiff. Such justification must take place within five days after notice of the filing of such undertaking.

SEC. 96. Section five hundred and fifty-five of said code is hereby amended to read as follows:

Section 555. Before making such order, the court or judge must require an undertaking on behalf of the defendant, by at least two sureties, residents and freeholders, or householders, in the state, to the effect that in case the plaintiff recovers judgment in the action, defendant will, on demand, redeliver the attached property so released to the proper officer, to be applied to the payment of the judgment, or, in default thereof, that the defendant and sureties will, on demand, pay to the plaintiff the full value of the property released, not exceeding the amount of such judgment. The court or judge making such order may fix the sum for which the undertaking must be executed, and if necessary in fixing such sum to know the value of the property released, the same may be appraised by one or more disinterested persons, to be appointed for that purpose. The sureties may be required to justify before the court or judge, and the property attached cannot be released from the attachment without their justification, if the same is required.

SEC. 97. Section five hundred and fifty-eight of said code is hereby amended to read as follows:

Section 558. If upon such application it satisfactorily appears that the writ of attachment was improperly or irregularly issued, it must be discharged; *provided, however*, that when any irregularity in the proceeding can be corrected by amendment, such amendment may be permitted, subject to the provisions of section four hundred and seventy-three.

SEC. 98. A new section is hereby added to said code, to be numbered five hundred and sixty, and to read as follows:

Section 560. An attachment as to any real property may be released by a writing signed by the plaintiff, or his attorney, and acknowledged and recorded in the like manner as a grant of real property; and upon the filing of such release, it is the duty of the recorder to note the same on the record of the copy of the writ on file in his office. Such attachment may also be released by an entry in the margin of the record thereof, in the county recorder's office, in the manner provided for the discharge of mortgages under section twenty-nine hundred and thirty-eight of the Civil Code.

SEC. 99. Section five hundred and sixty-six of said code is hereby amended to read as follows:

Section 566. No party, or attorney of a party, or person interested in an action, or related to any judge of the court by consanguinity or affinity within the third degree, can be appointed receiver therein without the written consent of the parties, filed with the clerk. If a receiver is appointed upon an ex parte application, the court, before making the order, must require from the applicant an undertaking, with sufficient sureties, in an amount to be fixed by the court, to the effect that the applicant will pay to the defendant all damages he may sustain by reason of the appointment of such receiver and the entry by him upon his duties, in case the applicant shall have procured such appointment wrongfully, maliciously, or without sufficient cause; and the court may, in its discretion, at any time after said appointment, require an additional undertaking.

SEC. 100. Section five hundred and sixty-seven of said code is hereby amended to read as follows:

Section 567. Before entering upon his duties, the receiver must be sworn to perform them faithfully, and with two or more sureties, approved by the court or judge, execute an undertaking to the State of California, in such sum as the court or judge may direct, to the effect that he will faithfully discharge the duties of receiver in the action and obey the orders of the court therein.

SEC. 101. Section five hundred and sixty-nine of said code is hereby amended to read as follows:

Section 569. Funds in the hands of a receiver may be invested upon interest, by order of the court, upon the consent of all the parties to the action.

SEC. 102. Section five hundred and seventy-two of said code is hereby amended to read as follows:

Section 572. When it is admitted by the pleadings, or shown upon the examination of a party to the action, that he has in his possession, or under his control, any money or other thing capable of delivery, which, being the subject of litigation, is held by him as trustee for another party, or which belongs or is due to another party, the court may order the same, upon motion, to be deposited in court or delivered to such party, upon such conditions as may be just, subject to the further direction of the court.

SEC. 103. Section five hundred and seventy-three of said code is hereby amended to read as follows:

Section 573. Whenever money is paid into or deposited in court, the same must be delivered to the clerk in person, or to such of his deputies as shall be specially authorized by his appointment in writing to receive the same. He must, unless otherwise directed by law, deposit it with the county treasurer, to be held by him subject to the order of the court. The treasurer must keep each fund distinct, and open an account with each. Such appointment must be filed with the county treasurer, who must exhibit it, and give to each person applying for the same a certified copy of the same. It shall be in force until a revocation in writing is filed with the county treasurer, who must thereupon write "revoked" in ink, across the face of the appointment. For the safe-keeping of the money deposited with him the treasurer is liable on his official bond.

SEC. 104. Section five hundred and seventy-seven of said code is hereby amended to read as follows:

Section 577. A judgment is the final determination of the rights of the parties in an action or proceeding. It may be interlocutory or final. An interlocutory judgment is one which finally determines some of the rights of the parties or of some of the parties, and orders an accounting, partition, or other proceeding to effectuate such rights. A final judgment is one that finally determines all the rights of all the parties or all the rights of certain of the parties as between themselves, and requires no further proceedings for the ascertainment of the rights so determined.

SEC. 105. Section five hundred and eighty-one of said code is hereby amended to read as follows:

Section 581. An action may be dismissed, or a judgment of nonsuit entered, in the following cases:

1. By the plaintiff himself, by written request to the clerk, filed with the papers in the case, at any time before the trial, upon payment of costs; *provided*, a counterclaim has not been set up, or affirmative relief sought by the cross-complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking must thereupon be delivered by the clerk to the defendant, who may have his action thereon;
2. By either party, upon the written consent of the other;
3. By the court, when either party fails to appear on the trial, and the other party appears and asks for the dismissal;
4. By the court, when, upon the trial and before the final submission of the case, the plaintiff abandons it;
5. By the court, upon motion of the defendant, when upon the trial the plaintiff fails to prove a sufficient case for the jury.

The dismissals mentioned in subdivisions one and two hereof are made by entry in the clerk's register. The dismissals mentioned in subdivisions three, four, and five of this section must be made by orders of the court, entered upon the minutes thereof, and are effective for all purposes when so entered; but the clerk of the court must note such orders in his register of actions in the case.

SEC. 106. A new section is hereby added to said code to be numbered five hundred and eighty-two, and to read as follows:

Section 582. No action heretofore or hereafter commenced shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced must be dismissed by the court in which the same shall have been commenced, on its own motion, or on motion of any party interested therein, whether named in the complaint as a party or not, unless summons shall have issued within one year, and all such actions must be in like manner dismissed, unless the summons shall be served and return thereon made within three years after the commencement of said action. But all such actions may be prosecuted, if appearance has been made by the defendant or defendants, within said three years in the same manner as if summons had been issued and served; *provided*, that, except in actions to partition, or to recover possession of, or to enforce a lien upon, or to determine conflicting claims to, real or personal property, no dismissal shall be had under this section as to any defendant because of the failure to serve summons on him during his absence from the state, or while he has secreted himself within the state to prevent the service of summons on him.

SEC. 107. A new section is hereby added to said code to be numbered five hundred and eighty-three, and to read as follows:

Section 583. In all cases other than those mentioned in the last two sections, judgment must be rendered on the merits.

SEC. 108. Section five hundred and eighty-five of said code is hereby amended to read as follows:

Section 585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract for the recovery of money or damages only, if no answer has been filed with the clerk of the court within the time specified in the

summons, or such further time as may have been granted, the clerk, upon application of the plaintiff, must enter the default of the defendant, and immediately thereafter enter judgment for the amount specified in the summons, including the costs, against the defendant, or against one or more of several defendants, in the cases provided for in section four hundred and fourteen;

2. In other actions, if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted, the clerk must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment, or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved, by a reference as above provided;

3. In actions where the service of the summons was by publication, the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer has been filed, apply for judgment; and the court must thereupon require proof to be made of the demand mentioned in the complaint; and if the defendant is not a resident of the state, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to any one for his use, on account of such demand, and may render judgment for the amount which he is entitled to recover.

SEC. 109. Section six hundred and two of said code is hereby amended to read as follows:

Section 602. Challenges for cause may be taken on one or more of the following grounds:

1. A want of any of the qualifications prescribed by this code to render a person competent as a juror;

2. Consanguinity or affinity within the fourth degree to any party, or to an officer of a corporation which is a party;

3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party, or to an officer of a corporation which is a party, or being a member of the family of either party, or a partner in business with either party, or surety on any bond or obligation for either party;

4. Having served as a juror or been a witness on a previous trial between the same parties, for the same cause of action;

5. Interest on the part of the juror in the event of the action, or in the main question involved in the action, except his interest as a member or citizen of a municipal corporation;

6. Having an unqualified opinion or belief as to the merits of the action, founded upon knowledge of its material facts, or of some of them;

7. The existence of a state of mind in the juror evincing enmity against or bias to either party;

8. Having served as a juror on a previous regular panel within one year prior to the time of his being offered as a juror;

9. That he is a party to an action pending for trial in the court for which he is drawn, and which action is set for trial before the panel of which he is member.

SEC. 110. Section six hundred and eight of said code is hereby amended to read as follows:

Section 608. In charging the jury, the court may state to them all matters of law which it thinks necessary for their information in giving their verdict; and, if it states the testimony of the case, it must inform the jury that they are the exclusive judges of all questions of fact. All instructions given to the jury must be in writing, and must be delivered to the jury upon their retirement. The court shall not inform the jury at whose request any instruction is given.

SEC. 111. Section six hundred and twelve of said code is hereby amended to read as follows:

Section 612. Upon retiring for deliberation, the jury must take with them all instructions given, and may take with them all papers which have been received as evidence in the cause, except depositions or copies of such papers as ought not, in the opinion of the court, to be taken from the person having them in possession; and they may also take with them notes of the testimony or other proceedings on the trial, taken by themselves, or any of them, but none taken by any other person. No instruction handed to the jury must contain anything to show at whose request it was given.

SEC. 112. Section six hundred and fifteen of said code is hereby amended to read as follows:

Section 615. If, after the impaneling of the jury, and before verdict, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. In that case the trial may proceed with the other jurors with the consent of the parties, or another juror may be sworn and the trial begin anew; or the jury may be discharged and a new jury then or afterwards impaneled.

SEC. 113. Section six hundred and thirty-one of said code is hereby amended to read as follows:

Section 631. Trial by jury may be waived by the several parties to an issue of fact in actions arising on contract, or for the recovery of specific real or personal property.

with or without damages, and with the assent of the court in other actions, in the following manner:

1. By failing to appear at the trial;
2. By written consent, in person or by attorney, filed with the clerk;
3. By oral consent, in open court, entered in the minutes;
4. By failure of a party desiring a jury to demand such jury at the time the cause is set for trial, if present when the cause is so set, or if the same be set upon notice.

SEC. 114. A new section is hereby added to said code to be numbered six hundred and thirty-five and to read as follows:

Section 635. Upon the trial of a question of fact by the court, either party may, at any time before final submission, present to the court in writing a statement of any proposition of law upon which, were the action being tried by a jury, the court might be required to instruct the jury. The court must, before giving its decision in the case, indorse upon each of such requests a statement that the same is allowed, or refused or modified in such particular as the court may think proper. Any error in allowing, refusing, or modifying any such request, may be reviewed on motion for new trial and upon appeal, in the same manner and with the same effect as in the case of requested instructions to a jury.

SEC. 115. Section six hundred and forty-one of said code is hereby amended to read as follows:

Section 641. A party may object to the appointment of any person as referee, on one or more of the following grounds:

1. A want of any of the qualifications prescribed by statute to render a person competent as a juror;
2. Consanguinity or affinity, within the third degree, to either party, or to an officer of a corporation which is a party, or to any judge of the court in which the appointment shall be made;
3. Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party; or being a member of the family of either party; or a partner in business with either party; or security on any bond or obligation for either party;
4. Having served as a juror or been a witness on any trial between the same parties for the same cause of action;
5. Interest on the part of such person in the event of the action, or in the main question involved in the action;
6. Having formed or expressed an unqualified opinion or belief as to the merits of the action;
7. The existence of a state of mind in such person evincing enmity against or bias to either party.

SEC. 116. Section six hundred and forty-seven of said code is hereby amended to read as follows:

Section 647. The verdict of the jury, the final decision in an action or proceeding, an interlocutory order or decision, finally determining the rights of the parties, or some of them; an order or decision from which an appeal may be taken; an order sustaining or overruling a demurrer, allowing or refusing to allow an amendment to a pleading, striking out a pleading or a portion thereof, refusing a continuance, modifying, giving, or refusing to give, in whole or in part, an instruction to the jury; an order made upon ex parte application, and an order or decision made in the absence of a party, are deemed to have been excepted to.

SEC. 117. Section six hundred and forty-nine of said code is hereby amended to read as follows:

Section 649. A bill containing the exception to any decision may be presented to the court or judge for settlement within ten days after the decision is made, and after having been settled, must be signed by the judge and filed with the clerk. When the decision excepted to is made by a tribunal other than a court, or by a judicial officer, the bill of exceptions must be presented to, and settled and signed by, such tribunal or officer.

SEC. 118. Section six hundred and fifty of said code is hereby amended to read as follows:

Section 650. When a party desires to have exceptions taken at a trial settled in a bill of exceptions, he may, at any time thereafter, and within ten days after the entry of judgment, if the action was tried with a jury, or after receiving notice of the entry of judgment, if the action was tried without a jury, or such further time as the court in which the action is pending, or a judge thereof, may allow, prepare the draft of a bill, and serve the same by copy thereof upon the adverse party. Such draft must contain all the exceptions and proceedings taken upon which the party relies. It may also contain a statement of any matters occurring upon the trial, in the presence of the court, showing any of the matters mentioned in subdivisions one and two of section six hundred and fifty-seven of this code. Within ten days after such service the adverse party may propose amendments thereto, and serve the same, or a copy thereof, upon the other party. The proposed bill and amendments must, within ten days thereafter, be presented by the party seeking the settlement of the bill, to the judge who tried or heard the case, upon five days' notice to the adverse party, or be delivered to the clerk of the court for the judge. When received by the clerk he must immediately deliver them to the judge, if he is in the county; if he is absent from the county, and either party desires

the papers to be forwarded to the judge, the clerk must, upon notice in writing of such party, immediately forward them by mail, or other safe channel; if not thus forwarded the clerk must deliver them to the judge immediately after his return to the county. When received from the clerk, the judge must designate the time at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated the judge must settle the bill. The bill must thereupon be engrossed and presented to the judge to be certified, by the party presenting it, within ten days, and upon being certified must within five days thereafter be served upon the adverse party. If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement within ten days after service of the amendments, upon notice of five days to the adverse party, and thereupon the referee must settle the bill. If no amendments are served, or if served are allowed, the proposed bill may be presented, with the amendments, if any, to the judge or referee, for settlement, without notice to the adverse party. It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter so that the exceptions and proceedings may be presented as briefly as possible. When settled, the bill must be signed by the judge or referee, with his certificate to the effect that the same is allowed, and must then be filed with the clerk.

Sec. 119. Section six hundred and fifty-one of said code is hereby amended to read as follows:

Section 651. Exceptions to any decision made after judgment may be presented to the judge at the time of such decision, and be settled or noted, as provided in section six hundred and forty-nine, or a bill thereof may be presented and settled afterward, as provided in section six hundred and fifty, and within like periods after entry of the order, upon appeal from which such decision is reviewable.

Sec. 120. Section six hundred and fifty-two of said code is hereby amended to read as follows:

Section 652. If the judge in any case refuses to allow a bill of exceptions in accordance with the facts, the party desiring the bill settled may apply by petition to the supreme court to prove the same; the application may be made in the mode and manner, and under such regulations as that court may prescribe; and the bill, when proven, must be certified by the chief justice as correct, and filed with the clerk of the court in which the action was tried, and when so filed it has the same force and effect as if settled by the judge who tried the cause.

Sec. 121. Section six hundred and fifty-six of said code is hereby amended to read as follows:

Section 656. A new trial is a reëxamination of an issue of fact in the same court after a trial and decision by a jury, court, or referee.

Sec. 122. Section six hundred and fifty-eight of said code is hereby amended to read as follows:

Section 658. When the application is made for a cause mentioned in the third or fourth subdivision of the last section, it must be made upon affidavits; for a cause mentioned in the first or second subdivision it may be made upon a bill of exceptions or upon affidavits, or upon both; for any other cause it may be made, at the option of the moving party, either upon the minutes of the court or upon a bill of exceptions.

Sec. 123. Section six hundred and fifty-nine of said code is hereby amended to read as follows:

Section 659. The party intending to move for a new trial must, within ten days after receiving notice of the entry of the judgment, file with the clerk and serve upon the adverse party a notice of his intention, designating the grounds upon which the motion will be made, and whether the same will be made upon affidavits, or the minutes of the court, or a bill of exceptions.

1. If the motion is to be made upon affidavits, the moving party must, within ten days after serving the notice, or such further time as the court in which the action is pending, or a judge thereof, may allow, file such affidavits with the clerk, and serve a copy upon the adverse party, who shall have ten days to file counter affidavits, a copy of which must be served upon the moving party;

2. If the motion is to be made upon a bill of exceptions, and no bill has already been settled as hereinbefore provided, the moving party shall have the same time after service of the notice to prepare and obtain a settlement of a bill of exceptions as is provided after the entry of the judgment, or after receiving notice of such entry by section six hundred and fifty, and the bill shall be prepared and settled in a similar manner. If a bill of exceptions has been already settled and filed, when the notice of motion is given, such bill shall be used on the motion;

3. When the motion is to be made on the minutes of the court, and the ground of the motion is the insufficiency of the evidence to justify the verdict or other decision, the notice of motion must specify the particulars in which the evidence is alleged to be insufficient; and, if the ground of the motion is errors in law occurring at the trial, and excepted to by the moving party, the notice must specify the particular errors upon which the party will rely. If the notice does not contain the specifications here indicated, when the motion is made on the minutes of the court, the motion must be denied.

Sec. 124. Section six hundred and sixty of said code is hereby amended to read as follows:

Section 660. The application for a new trial must be heard at the earliest practicable period after notice of the motion, if the motion is to be heard upon the minutes of the

court, and in other cases, after the affidavits, or bill of exceptions, as the case may be, are filed, and may be brought to a hearing upon motion of either party. On such hearing reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial, and to the report of the proceedings on the trial taken by the phonographic reporter and by him read at the hearing of the motion, or to any certified transcript of such report.

Sec. 125. Section six hundred and sixty-one of said code is hereby amended to read as follows:

Section 661. The judgment roll and the affidavits, or bill of exceptions, used on the hearing, with a copy of the order made, constitute the record to be used on appeal from the order granting or refusing a new trial, unless the motion is made on the minutes of the court, and in that case the judgment roll and a statement to be subsequently prepared, with a copy of the order, constitute the record on appeal. Such subsequent statement must be proposed by the party appealing, or intending to appeal, within ten days after the entry of the order, or such further time as the court in which the action is pending, or a judge thereof, may allow, and the same or a copy thereof be served upon the adverse party, who shall have ten days thereafter to prepare amendments thereto, and serve the same, or a copy thereof, upon the party appealing, or intending to appeal; and thereafter proceedings shall be had, and within like periods, for the settlement of the statement as provided by section six hundred and fifty-nine. But the statement must only contain the grounds argued before the court for a new trial, and so much of the evidence or other matter as may be necessary to explain them; and it is the duty of the judge to exclude all other evidence or matter from the statement.

Sec. 126. That section six hundred and sixty-three and a half of said code be numbered six hundred and sixty-three *a*, and that said section be amended to read as follows:

Section 663*a*. The party intending to make the motion mentioned in the last section must, within ten days after notice of the entry of judgment, serve upon the adverse party and file with the clerk of the court a notice of his intention, designating the grounds upon which, and the time at which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts, or in which the judgment or decree is not consistent with the special verdict. The time designated for the making of the motion must not be less than ten nor more than twenty days from the time of the service of the notice. An order of the court granting such motion may be reviewed on appeal in the same manner as orders made on motions for a new trial, and a statement to be used on such appeal may be prepared in the same manner as statements after a motion is heard upon the minutes of the court, as provided in section six hundred and sixty-one.

Sec. 127. Section six hundred and sixty-four of said code is hereby amended to read as follows:

Section 664. When trial by jury has been had, judgment must be entered by the clerk, in conformity to the verdict, within twenty-four hours after the rendition of the verdict, unless the court order the case to be reserved for argument or further consideration, or grant a stay of proceedings. If the trial has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision. In no case is a judgment effectual for any purpose until so entered.

Sec. 128. Section six hundred and seventy of said code is hereby amended to read as follows:

Section 670. Immediately after entering the judgment, the clerk must attach together and file the following papers, which constitute the judgment roll:

1. In case the complaint is not answered by any defendant, the summons, with the affidavit or proof of service; the complaint with a memorandum indorsed thereon that the default of the defendant in not answering was entered, and a copy of the judgment; and in case the service so made is by publication, the affidavit for publication of summons, and the order directing the publication of summons;

2. In all other cases, the pleadings, all orders striking out any pleading in whole or in part, a copy of the verdict of the jury, or finding of the court or referee, and a copy of any order made on demurrer, or relating to a change of parties, and a copy of the judgment; if there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of its service on such defendant; and if the service on such defaulting defendant be by publication, then the affidavit for publication, and the order directing the publication of the summons.

Sec. 129. Section six hundred and seventy-two of said code is hereby amended to read as follows:

Section 672. The docket mentioned in the last section is a book which the clerk keeps in his office, with each page divided into nine columns, and headed as follows: Date of entry in docket; judgment debtors; judgment creditors; judgment; time of entry; where entered in judgment book; appeals, when taken; judgment of appellate court; satisfaction of judgment, when entered. If the judgment is for the recovery of money, the amount must be stated in the docket under the head of judgment; if the judgment is for any other relief, a memorandum of the general character of the relief granted must be stated. The names of the defendants must be entered in alphabetical order.

Sec. 130. Section six hundred and seventy-four of said code is hereby amended to read as follows:

Section 674. The transcript of the original docket of any judgment, the enforcement of which has not been stayed on appeal, certified by the clerk, may be filed with the re-

corder of any other county, and from such filing the judgment becomes a lien upon all the real property of the judgment debtor not exempt from execution in such county, owned by him at the time, or which he may afterward, and before the lien expires, acquire. The lien continues for five years from the entry of judgment unless it is previously satisfied or the lien otherwise discharged.

Sec. 131. Section six hundred and eighty-one of said code is hereby amended to read as follows:

Section 681. The party in whose favor judgment is given may, at any time within five years after the entry thereof, have a writ of execution issued for its enforcement. If, after the entry of the judgment, the issuing of execution thereon is stayed or enjoined by any judgment or order of court, or by operation of law, the time during which it is so stayed or enjoined must be excluded from the computation of the five years within which execution may issue.

Sec. 132. Section six hundred and eighty-two of said code is hereby amended to read as follows:

Section 682. The writ of execution must be issued in the name of the people, sealed with the seal of the court, and subscribed by the clerk, and be directed to the sheriff, and it must intelligibly refer to the judgment, stating the court, the county where the judgment roll is filed, and if it is for money, the amount thereof, and the amount actually due thereon, and if made payable in a specified kind of money or currency, as provided in section six hundred and sixty-seven, the execution must also state the kind of money or currency in which the judgment is payable, and must require the sheriff substantially as follows:

1. If it is against the property of the judgment debtor, it must require the sheriff to satisfy the judgment, with interest, out of the property of such debtor;

2. If it is against real or personal property in the hands of the personal representatives, heirs, devisees, legatees, tenants, or trustees, it must require the sheriff to satisfy the judgment, with interest, out of such property;

3. If it is against the person of the judgment debtor, it must require the sheriff to arrest such debtor and commit him to the jail of the county until he pays the judgment with interest, or is discharged according to law;

4. If it is issued on a judgment made payable in a specified kind of money or currency, as provided in section six hundred and sixty-seven, it must also require the sheriff to satisfy the same in the kind of money or currency in which the judgment is made payable, and the sheriff must refuse payment in any other kind of money or currency; and in case of levy and sale of the property of the judgment debtor, he must refuse payment from any purchaser at such sale in any other kind of money or currency than that specified in the execution. The sheriff, collecting money or currency in the manner required by this chapter, must pay to the plaintiff or party entitled to recover the same, the same kind of money or currency received by him, and in case of neglect or refusal so to do, he is liable on his official bond to the judgment creditor in three times the amount of the money so collected;

5. If it is for the delivery of the possession of real or personal property, it must require the sheriff to deliver the possession of the same, describing it to the party entitled thereto, and may, at the same time, require the sheriff to satisfy any costs, damages, rents, or profits, recovered by the same judgment, out of the property of the person against whom it was rendered, and the value of the property for which the judgment was rendered to be specified therein if a delivery thereof cannot be had.

Sec. 133. Section six hundred and eighty-seven of said code is hereby amended to read as follows:

Section 687. Where the execution is against the property of the judgment debtor, it may be issued to the sheriff of any county in the state. Where it requires the delivery of real or personal property, it must be issued to the sheriff of the county where the property or some part thereof is situated. If the judgment directs or authorizes the issuing of any process requiring the sale, or the delivery of possession of, or otherwise affecting specific real property, which is then, or subsequently becomes, a part of a county other than that in which such judgment was entered, such process may be issued to, and executed by, the sheriff of such other county, as to the property situate therein. Executions may be issued at the same time to different counties.

Sec. 134. Section six hundred and eighty-eight of said code is hereby amended to read as follows:

Section 688. All goods, chattels, moneys, and other property, both real and personal, or any interest therein, of the judgment debtor, not exempt by law, and all property and rights of property seized and held under attachment in the action, are liable to execution. Shares and interests in any corporation or company, and debts and credits, and all other property, both real and personal, or any interest in either real or personal property, and all other property not capable of manual delivery, may be levied upon or released from levy in like manner as like property may be attached or released from attachment. Until a levy, property is not affected by the execution.

Sec. 135. Section six hundred and eighty-nine of said code is hereby amended to read as follows:

Section 689. If the property levied on is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting out his right to the possession thereof, and served upon the sheriff, the sheriff is not bound to keep the property unless the plaintiff, or the person in whose favor the writ of execution runs,

on demand, indemnifies the sheriff against such claim by an undertaking by at least two good and sufficient sureties in a sum equal to double the value of the property levied on; and the sheriff is not liable for damages for the taking or keeping of such property to any such third person, unless such a claim is made.

SEC. 136. Section six hundred and ninety of said code is hereby amended to read as follows:

Section 690. The following property is, in favor of natural persons only, exempt from execution, except as herein otherwise specially provided:

1. Chairs, tables, desks, and books, to the value of two hundred dollars, belonging to the judgment debtor.

2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing-machine, stove, stovepipes and furniture, wearing apparel, beds, bedding, and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions actually provided for individual or family use, sufficient for three months, and three cows and their sucking calves, four hogs with their sucking pigs, and food for such cows and hogs for one month; also, one piano, one shotgun, and one rifle;

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also, two oxen, or two horses, or two mules, and their harness, one cart or wagon, and food for such oxen, horses, or mules, for one month; also, all seed, grain, or vegetables actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five beehives; one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business;

4. The tools or implements of a mechanic or artisan necessary to carry on his trade; the notarial seal, records, and office furniture of a notary public; the instruments and chest of a surgeon, physician, surveyor, or dentist, necessary to the exercise of his profession, with his professional library and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers, and music teachers, and their necessary office furniture; also, the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps, and office furniture of a searcher of records necessary to be used in his profession; also, the typewriters, or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also, one bicycle, when the same is used by its owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business;

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules, or oxen, with their harness, and food for such horses, mules, or oxen for one month, when necessary to be used on any whim, windlass, derrick, car, pump, or hoisting gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars;

6. Two horses, two oxen, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster, or other laborer habitually earns his living; and one horse, with vehicle and harness or other equipments, used by a physician, surgeon, constable, or minister of the gospel, in the legitimate practice of his profession or business; with food for such oxen, horses, or mules for one month;

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the lawful use of which he earns a livelihood;

8. Poultry not exceeding in value twenty-five dollars;

9. Seamen's and sea-going fishermen's wages and earnings not exceeding one hundred dollars;

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears, by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this state, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family, for the common necessities of life, or have been incurred at a time when the debtor had no family, residing in this state supported in whole or in part by his labor, the one half of such earnings above mentioned is nevertheless subject to execution, garnishment, or attachment to satisfy debts so incurred;

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars, if the person holding the shares is not the owner of a homestead under the laws of this state;

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel;

13. All moneys, benefits, privileges, or immunities, accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars; and if they exceed that sum, a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or

growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

14. All fire engines, hooks and ladders, with the carts, trucks, and carriages, hose, buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under any laws of this state;

15. All arms, uniforms, and accoutrements required by law to be kept by any person, and also one gun, to be selected by the debtor;

16. All courthouses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the jail and public offices belonging to any county of this state; and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament, or public use, or for the use of any fire or military company organized under the laws of this state;

17. All material, not exceeding one thousand dollars in value, purchased in good faith for use in the construction, alteration, or repair of any building, mining claim, or other improvement, as long as in good faith the same is about to be applied to the construction, alteration, or repair of such building, mining claim, or other improvement;

18. All machinery, tools, and implements necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc.; also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; *provided*, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars.

19. Shares of stock in any building and loan association to the value of one thousand dollars.

No article, however, or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

Sec. 137. Section seven hundred of said code is hereby amended to read as follows:

Section 700. Upon a sale of real property the purchaser is substituted to and acquires all the right, title, interest, and claim of the judgment debtor thereto on the date of the levy of the execution thereon, where such judgment is not a lien upon such property; if the judgment is a lien upon the real property the purchaser is substituted to and acquires all the right, title, interest, and claim of the judgment debtor on the day such judgment became a lien on such property; and in case property, real or personal, has been attached in the action, then on the day the attachment was levied upon such property.

Sec. 138. A new section is hereby added to said code, to be numbered seven hundred a, and to read as follows:

Section 700a. Sales of personal property, and of real property, when the estate therein is less than a leasehold of two years' unexpired term, are absolute. In all other cases the property is subject to redemption, as provided in this chapter. The officer must give to the purchaser a certificate of sale, and file a duplicate thereof for record in the office of the county recorder of the county, which certificate must state the date of the judgment under which the sale was made and the names of the parties thereto, and contain:

1. A particular description of the real property sold;

2. The price bid for each distinct lot or parcel;

3. The whole price paid;

4. If the property is subject to redemption, the certificate must so declare, and if the redemption can be effected only in a particular kind of money or currency, that fact must be stated.

Sec. 139. Section seven hundred and fourteen of said code is hereby amended to read as follows:

Section 714. When an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, issued to the sheriff of the county where he resides, or if he does not reside in this state, to the sheriff of the county where the judgment roll is filed, is returned unsatisfied in whole or in part, the judgment creditor, at any time after such return is made, is entitled to an order from a judge of the court, requiring such judgment debtor to appear and answer concerning his property before such judge, or a referee appointed by him, at a time and place specified in the order; but no judgment debtor must be required to attend before a judge or referee out of the county in which he resides, or in which he has a place of business.

Sec. 140. Section seven hundred and seventeen of said code is hereby amended to read as follows:

Section 717. After the issuing or return of an execution against property of the judgment debtor, or of any one of several debtors in the same judgment, and upon proof by affidavit or otherwise, to the satisfaction of the judge, that any person or corporation has property of such judgment debtor, or is indebted to him in an amount exceeding fifty dollars, the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place before him, or a referee appointed by him, and answer concerning the same.

SEC. 141. Section seven hundred and nineteen of said code is hereby amended to read as follows:

Section 719. The judge or referee may order any property of the judgment debtor, not exempt from execution, in the hands of such debtor, or any other person, or due to the judgment debtor, to be applied toward the satisfaction of the judgment; but no such order can be made as to money or property in the hands of any other person or claimed to be due from him to the judgment debtor, if such person claims an interest in the property adverse to the judgment debtor or denies the debt.

SEC. 142. Section seven hundred and twenty of said code is hereby amended to read as follows:

Section 720. If it appears that a person or corporation, alleged to have property of the judgment debtor, or to be indebted to him, claims an interest in the property adverse to him, or denies the debt, the judgment creditor may maintain an action against such person or corporation for the recovery of such interest or debt; and the court or judge may, by order, forbid a transfer or other disposition of such interest or debt, until an action can be commenced and prosecuted to judgment. Such order may be modified or vacated by the judge granting the same, or the court in which the action is brought, at any time, upon such terms as may be just.

SEC. 143. Section seven hundred and twenty-six of said code is hereby amended to read as follows:

Section 726. There can be but one action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real estate or personal property; which action must be in accordance with the provisions of this chapter. In such action the court may, by its judgment, direct a sale of the incumbered property (or so much thereof as may be necessary), and the application of the proceeds of the sale to the payment of the costs of court, and the expenses of the sale, and the amount due plaintiff, including, where the mortgage stipulates for the payment of attorneys' fees, such sum for such fees as the court shall find reasonable, not exceeding the amount named in the mortgage. The court may, by its judgment, or at any time after judgment, appoint a commissioner to sell the incumbered property. It must require of him an undertaking in an amount fixed by the court, with sufficient sureties, to be approved by the judge, to the effect that the commissioner will faithfully perform the duties of his office according to law. Before entering upon the discharge of his duties he must file such undertaking, so approved, together with his oath that he will faithfully perform the duties of his office. If it appear from the sheriff's return, or from the commissioner's report, that the proceeds are insufficient, and a balance still remains due, judgment must then be docketed by the clerk in the manner provided in section six hundred and seventy-two for such balance against the defendant or defendants personally liable for the debt, and it becomes a lien on the real estate of such judgment debtor, as in other cases in which execution may be issued. No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action, need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action. If the court appoints a commissioner for the sale of the property, he must sell it in the manner provided by law for the sale of like property by the sheriff upon execution; and the provisions of chapter one, title nine, part two of this code, are hereby made applicable to sales made by such commissioner, and the powers therein given and the duties therein imposed on sheriffs are extended to such commissioner. In the event of the death, or absence from the state, or other disability or disqualification of the commissioner so appointed to sell incumbered property, the court may, after the time for redemption has expired, appoint an elisor to make the deed or deeds due to the purchaser or purchasers, or his or their assigns, of the property so sold by said commissioner. If the land mortgaged consists of a single parcel, or of two or more contiguous parcels, situate in two or more counties, the court may, in its judgment, direct the whole thereof to be sold in one of such counties, by the same officer or commissioner, and upon such proceedings, and with like effect, as if the whole of the property were situate in that county.

SEC. 144. Section seven hundred and twenty-eight of said code is hereby amended to read as follows:

Section 728. If the debt for which the mortgage, lien, or incumbrance is held, is not all due, as soon as sufficient of the property has been sold to pay the amount due, with costs, the sale must cease; and afterwards, as often as more becomes due, for principal or interest, the court may, on motion, order more to be sold. But if the property cannot be sold in portions without injury to the parties, the whole may be ordered to be sold in the first instance, or so much thereof as may be necessary to pay the principal debt, the accrued interest, and costs.

SEC. 145. Section seven hundred and twenty-nine of said code is hereby amended to read as follows:

Section 729. Within thirty days after making a sale, the commissioner must file with the clerk of the court in which the action is pending, a verified report and account thereof, together with the proper affidavits, showing that the regular and required notice of the time and place of the sale was given, which report and account shall have the same force and effect as the sheriff's return in sales under execution. In all cases of sales made by a commissioner, the court in which the proceedings are pending must fix

a reasonable compensation for the commissioner's services, but in no case to exceed the sum of ten dollars.

Sec. 146. Section seven hundred and thirty-one of said code is hereby amended to read as follows:

Section 731. An action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by a nuisance, and by the judgment in such action the nuisance may be enjoined or abated, as well as damages recovered therefor. A civil action may be brought in the name of the people of the state to abate a public nuisance, by the district attorney of any county in which such nuisance exists, and such district attorney must bring such action whenever directed by the board of supervisors.

Sec. 147. Section seven hundred and thirty-two of said code is hereby repealed.

Sec. 148. Section seven hundred and thirty-three of said code is hereby repealed.

Sec. 149. Section seven hundred and thirty-four of said code is hereby repealed.

Sec. 150. Section seven hundred and thirty-five of said code is hereby repealed.

Sec. 151. Section seven hundred and thirty-eight of said code is hereby amended to read as follows:

Section 738. An action may be brought by any person against another who claims an estate or interest in real property, adverse to him, for the purpose of determining such adverse claim. Nothing herein contained shall be construed to deprive a party of the right to a jury trial in any case where, by the law, such right is now given.

Sec. 152. Section seven hundred and forty of said code is hereby amended to read as follows:

Section 740. In an action for the recovery of property, where the plaintiff shows a right to recover at the time the action was commenced, but it appears that his right has terminated during the pendency of the action, the verdict and judgment must be according to the fact, and the plaintiff may recover damages for withholding the property.

Sec. 153. Section seven hundred and forty-four of said code is hereby repealed.

Sec. 154. Section seven hundred and forty-five of said code is hereby repealed.

Sec. 155. Section seven hundred and forty-nine of said code is hereby repealed.

Sec. 156. Section seven hundred and fifty-two of said code is hereby amended to read as follows:

Section 752. When several co-tenants own real property as joint tenants, or tenants in common, in which one or more of them have an estate of inheritance, or for life or lives, or for years, an action may be brought by one or more of such persons for a partition thereof according to the respective rights of the persons interested therein, and for a sale of such property, or a part thereof, if it appears that a partition cannot be made without great prejudice to the owners.

Sec. 157. Section seven hundred and fifty-three of said code is hereby amended to read as follows:

Section 753. The interests of all persons in the property, whether such persons are known or unknown, must be set forth in the complaint, as far as known to the plaintiff; and if one or more of the parties, or the share or quantity of interest of any of the parties, is unknown to the plaintiff, or is uncertain or contingent, or the ownership of the inheritance depends upon an executory devise, or the remainder is a contingent remainder, so that such parties cannot be named, that fact must be set forth in the complaint.

Sec. 158. Section seven hundred and fifty-six of said code is hereby amended to read as follows:

Section 756. The summons must contain a description of the property sought to be partitioned, and must be directed to all of the persons named as defendants in the complaint, and when it shows that some person has or claims an interest in or lien upon the property whose name is unknown to the plaintiff, the summons must also be directed to all persons unknown who have or claim any interest in or lien upon the property.

Sec. 159. Section seven hundred and fifty-seven of said code is hereby amended to read as follows:

Section 757. If a party having or claiming a share, interest, or lien, is unknown, or if any of the known parties reside out of the state, or cannot be found therein, and such fact appears by the verified complaint, or by the verified answer of a defendant, or by affidavit, the summons may be served on such unknown or absent party by publication, as in other cases. At any time before interlocutory judgment, the court may order other parties, whether known or unknown, to be brought in as provided in section three hundred and eighty-nine; and must do so whenever satisfied by the verified answer of a defendant, or otherwise, that any person, whether known or unknown, not already a party, claims some share, interest, or lien.

Sec. 160. Section seven hundred and fifty-eight of said code is hereby amended to read as follows:

Section 758. If the defendant fails to answer within the time allowed by law, he is deemed to admit and adopt the allegations of the complaint. Otherwise he must controvert such of the allegations of the complaint as he does not wish to be taken as admitted, and must set forth his estate or interest in the property, and if he claims a lien thereon must state the date and character of the lien and the amount remaining due, and whether he has any additional security therefor, and if so, its nature and

extent, and if he fails to disclose such additional security, he must be deemed to have waived his lien on the property to be partitioned.

Sec. 161. Section seven hundred and fifty-nine of said code is hereby amended to read as follows:

Section 759. The rights of the several parties, plaintiff as well as defendant, may be put in issue, tried, and determined in such action; and when a sale of the premises is necessary, the title must be ascertained by proof to the satisfaction of the court before the sale can be ordered; except that where there are several unknown persons having an interest in the property, their rights may be considered together in the action, and not as between themselves.

Sec. 162. Section seven hundred and sixty-one of said code is hereby amended to read as follows:

Section 761. If it appears to the court that there are outstanding liens or incumbrances of record upon such real property, or any part thereof, which existed and were of record at the time of the commencement of the action, and the persons holding such liens are not made parties to the action, the court must either order such persons to be made parties to the action, by an amended or supplemental complaint, or appoint a referee to ascertain whether or not such liens or incumbrances have been paid, and if not paid, what amount remains due thereon, and their order among the liens or incumbrances severally held by such persons and the parties to the action, and whether the amount remaining due thereon has been secured in any manner, and if secured, the nature and extent of the security.

Sec. 163. Section seven hundred and sixty-three of said code is hereby amended to read as follows:

Section 763. If it appears by the evidence, whether alleged in the complaint or not, that the property or any part of it is so situated that partition cannot be made without great prejudice to the owners, the court may order the sale thereof; otherwise, upon the requisite proofs being made, it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners whose interests remain unknown, or are not ascertained; or the court, with the consent of the parties, may appoint one referee instead of three, and he, when thus appointed, has all the powers and may perform all the duties required of three referees. When the site of an incorporated city or town is included within the exterior boundaries of the property to be partitioned, the court must direct the referees to survey and appraise the entire property to be partitioned by actual lots and subdivisions then existing in the actual possession of the several tenants in common, exclusive of the value of improvements thereon, first setting apart necessary portions of the property for ways, roads, and streets, as in section seven hundred and sixty-four provided, and to report such survey and separate appraisement on each lot and subdivision to the court. The court may confirm, change, modify, or set aside the report in whole or in part, and if necessary appoint new referees. When, after the final confirmation of the report of such survey and appraisement, it appears by evidence to the satisfaction of the court that an equitable partition of the whole property is impracticable, and a sale of the site of such city or town, or any portion thereof, will be for the best interests of the owners of the whole property, it must order a sale thereof; *provided*, that within sixty days thereafter any tenant in common, or tenants in common, having improvements erected on any town or city lot or subdivision included in such order of sale, shall have the prior right to purchase the same at such appraised valuation, and may pay into court the amount so appraised as the value thereof, and upon such payment the title shall vest in such purchaser or purchasers, and the court shall cause to be executed by such referees a deed for such lot or subdivision in fee and in severalty to such purchaser or purchasers; such further proceedings shall then be had as to the remainder of the property, and the money so paid to the court, as by this chapter provided. If, during the pendency of the action, any of the parties die, or become insane or otherwise incompetent, the proceedings shall not for that cause be delayed or suspended, but the attorney who has appeared for such party may continue to represent such interest; and in case any such party has not appeared by an attorney, the court must appoint an attorney to represent the interest which was held by such party, until his heirs or legal representatives, or successors in interest, shall have appeared in the action; and an attorney so appointed must be allowed by the court a reasonable compensation for his services, which may be taxed as costs against the share or interest represented by such attorney, and may be adjudged a lien thereon, in the discretion of the court.

Sec. 164. Section seven hundred and sixty-four of said code is hereby amended to read as follows:

Section 764. In making partition, the referees must divide the property, and allot the several portions thereof to the respective parties, quality and quantity relatively considered, according to the respective rights of the parties as determined by the court, pursuant to the provisions of this chapter, designating the several portions by proper landmarks, and may employ a surveyor with the necessary assistants to aid them. Before making partition or sale, the referees may, whenever it will be for the advantage of those interested, set apart a portion of the property for a way, road, or street, and the portion so set apart must not be assigned to any of the parties or sold, but must remain an open and public way, road, or street, unless the referees shall set the same apart as a private way for the use of the parties interested, or some of them, their heirs and assigns, in which case it shall remain such private way. Whenever the referees have

laid out on any tract of land roads sufficient in the judgment of said referees to accommodate the public and private wants, they must report that fact to the court, and upon the confirmation of their report all other roads on said tract cease to be public highways. Whenever it appears, in an action for partition of lands, that one or more of the tenants in common, being the owner of an undivided interest in the tract of land sought to be partitioned, has sold to another person a specific tract by metes and bounds out of the common land, and executed to the purchaser a deed of conveyance, purporting to convey the whole title to such specific tract to the purchaser in fee and in severalty, the land described in such deed shall be allotted and set apart in partition to such purchaser, his heirs or assigns, or in such other manner as shall make such deed effectual as a conveyance of the whole title to such segregated parcel, if such tract or tracts of land can be so allotted or set apart without material injury of the rights and interests of the other co-tenants who may not have joined in such conveyance. In all cases it is the duty of the referees, in making partition of land, to allot the share of each of the parties owning an interest in the whole or in any part of the premises sought to be partitioned, and to locate the share of each co-tenant, so as to embrace as far as practicable the improvements made by such co-tenant upon the property, and the value of the improvements made by the tenants in common must be excluded from the valuation in making the allotments, and the land must be valued without regard to such improvements, in case the same can be done without material injury to the rights and interests of the other tenants in common owning such land.

SEC. 165. Section seven hundred and sixty-five of said code is hereby amended to read as follows:

Section 765. The referees must make a report of their proceedings, specifying therein the manner in which they executed their trust, and describing the property divided, and the shares allotted to each party, with a particular description of each share. Any party to the action, after giving at least ten days' notice in writing to the other parties who have appeared therein of his intention to do so, may move the court to confirm, change, modify, or set aside such report.

SEC. 166. Section seven hundred and sixty-six of said code is hereby amended to read as follows:

Section 766. The court may confirm, change, modify, or set aside the report, and if necessary, appoint new referees. Upon the report being confirmed, judgment must be rendered that such partition be effectual forever, which judgment is binding and conclusive:

1. On all persons named as parties to the action, and their legal representatives, who have at the time any interest in the property divided, or any part thereof, as owners in fee or as tenants for life or for years, or as entitled to the reversion, remainder, or the inheritance of such property, or any part thereof, after the determination of a particular estate therein, and who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof, as tenants for years or for life;

2. On all persons interested in the property, who may be unknown, to whom notice has been given of the action for partition by publication;

3. On all other persons claiming from such parties or persons, or either of them.

And no judgment is invalidated by reason of the death of any party before final judgment or decree; but such judgment or decree is as conclusive against the heirs, legal representatives, or assigns of such decedent, as if it had been entered before his death. If, during the pendency of the action, and before final judgment therein, any of the co-tenants has conveyed to another person his interest, or any part of his interest, such conveyance, whatever its form, shall be deemed to have passed to the grantee any lands which, after its execution, may have been set aside to the grantor in severalty, or such proportionate interest in such lands as the interest so conveyed bears to the whole interest of the grantor.

SEC. 167. Section seven hundred and seventy-four of said code is hereby amended to read as follows:

Section 774. When the proceeds of the sale of any share or parcel belonging to persons who are parties to the action, whether known or unknown, are paid into court, the action may be continued as between such parties, for the determination of their respective claims thereto, which must be ascertained and adjudged by the court. Further testimony may be taken in court, or by a referee, at the discretion of the court, and the court may, if necessary, require such parties to present the facts or law in controversy, by pleadings, as in an original action.

SEC. 168. Section seven hundred and seventy-five of said code is hereby amended to read as follows:

Section 775. All sales of real property, made by referees under this chapter, must be made at public auction to the highest bidder, upon notice given in the manner required for the sale of real property on execution. The notice must state the terms of sale, and if the property, or any part of it, is to be sold subject to a prior estate, charge, or lien, that must be stated in the notice.

SEC. 169. Section seven hundred and eighty-four of said code is hereby amended to read as follows:

Section 784. After completing a sale of the property, or any part thereof, ordered to be sold, the referees must report the same to the court, with a description of the different parcels of land sold to each purchaser; the name of the purchaser; the price paid or secured; the terms and conditions of the sale, and the securities, if any, taken. The

report must be filed in the office of the clerk of the county where the property is situated. Thereafter any purchaser, or any party to the action, may, upon ten days' notice to the other parties who have appeared therein, and also to the purchaser if he be not the moving party, move the court to confirm or set aside any sale or sales so reported.

SEC. 170. Section seven hundred and eighty-five of said code is hereby amended to read as follows:

Section 785. If the sale is confirmed by the court, an order must be entered, directing the referees to execute conveyances and take securities pursuant to such sale, which they are hereby authorized to do. Such order may also give directions to them respecting the disposition of the proceeds of the sale. If the purchaser, after the confirmation of the sale, refuses to pay the amount of his bid, the referees may again sell the property at any time to the highest bidder, and if any loss is occasioned thereby the referees may recover the amount of such loss and the costs from the bidder so refusing, or the referees, without making a resale, may maintain an action against the purchaser for the amount of his bid.

SEC. 171. Section seven hundred and ninety-five of said code is hereby repealed.

SEC. 172. Section seven hundred and ninety-seven of said code is hereby repealed.

SEC. 173. Section seven hundred and ninety-nine of said code is hereby amended to read as follows:

Section 799. If it is necessary to have an abstract of title of the property to be partitioned, the plaintiff may procure one before commencing the action, and may, in his complaint, state that he has done so, and that the abstract is subject to the inspection and use of all the parties to the action, designating a place where it will be kept for such inspection. Otherwise the court may, upon application of any one of the parties, authorize him to procure an abstract, which, when made, shall be kept at some place designated by the court for the inspection and use of all parties, any of whom is entitled to make a copy thereof. The expense reasonably incurred in procuring such abstract must be allowed to the party incurring it, with interest thereon from the commencement of the action, if it had been procured before that time, otherwise from the time of payment.

SEC. 174. Section eight hundred and three of said code is hereby amended to read as follows:

Section 803. An action may be brought by the attorney-general, in the name of the people of this state, upon his own information, or upon a complaint of a private party, against any person who usurps, intrudes into, or unlawfully holds or exercises any public office, civil or military, or any franchise within this state. And the attorney-general must bring the action, whenever he has reason to believe that any such office or franchise has been usurped, intruded into, or unlawfully held or exercised by any person, or when he is directed to do so by the governor. And if it is claimed that a corporation, either de jure or de facto, is exercising a franchise which it is not authorized to exercise, or is exercising corporate functions when not authorized to do so, such corporation must be made a party defendant.

SEC. 175. Section eight hundred and twenty-four of said code is hereby amended to read as follows:

Section 824. If the attachment is not discharged, and a judgment is recovered in the action in favor of the plaintiff, and an execution issued thereon, the sheriff must sell at public auction, after publication of notice of such sale for ten days, the steamer, vessel, or boat, with its tackle, apparel, and furniture, or such interest therein as may be necessary. The notice must contain a general description of the steamer, vessel, or boat, and a statement of its measurement and tonnage. The officer must apply the proceeds of the sale as follows:

1. When the action is brought for demands other than the wages of mariners, boatmen, and others employed in the service of the steamer, vessel, or boat sold, to the payment of the amount of such wages, as specified in the execution;

2. To the payment of the judgment and costs, including his fees;

3. He must pay any balance remaining to the owner, or to the master, agent or consignee, who may have appeared on behalf of the owner, or if there is no appearance, then into court, subject to the claim of any party or parties legally entitled thereto.

SEC. 176. Section eight hundred and twenty-seven of said code is hereby repealed.

SEC. 177. Section eight hundred and thirty-six of said code is hereby amended to read as follows:

Section 836. After an order has been made, transferring the action for trial to another court, the following proceedings must be had:

1. The justice ordering the transfer must immediately transmit to the justice of the court to which it is transferred, on payment by the party applying of all the costs that have accrued, all the papers in the action, together with a certified transcript from his docket of the proceedings therein;

2. Upon the receipt by him of such papers, the justice to whom the case is transferred has thereafter the same jurisdiction over the action as though it had been commenced in his court. He must issue a notice, stating when and where the trial will take place, which notice must be served upon the parties at least one day before the time fixed for trial.

SEC. 178. Section eight hundred and thirty-two of said code is hereby amended to read as follows:

Section 832. Actions in justices' courts must be commenced, and, subject to the right to change the place of trial, as in this chapter provided, must be tried:

1. If there is no justices' court for the township or city in which the defendant resides—in any city or township in which he resides;

2. When two or more persons are jointly, or jointly and severally, bound in any debt or contract, or otherwise jointly liable in the same action, and reside in different townships or different cities of the same county, or in different counties—in the township or city in which any of the persons liable may reside;

3. In cases of injury to the person or property—in the township or city where the injury was committed, or where the defendant resides;

4. If for the recovery of personal property, or the value thereof, or damages for taking or detaining the same—in the township or city in which the property may be found, or in which the property was taken, or in which the defendant resides;

5. When the defendant is a nonresident of the county—in any township or city wherein he may be found;

6. When the defendant is a nonresident of the state—in any township or city in the state.

7. When a person has contracted to perform an obligation at a particular place, and resides in another county, township, or city—in the township or city in which such obligation is to be performed, or in which he resides; and the township or city in which the obligation is incurred is deemed to be the township or city in which it is to be performed, unless there is a special contract in writing to the contrary;

8. When the parties voluntarily appear and plead without summons—in any township or city in the state.

9. In all other cases—in the township or city in which the defendant resides.

Sec. 179. Section eight hundred and thirty-seven of said code is hereby repealed.

Sec. 180. Section eight hundred and forty-four of said code is hereby amended to read as follows:

Section 844. The summons must be directed to the defendant, signed by the justice, and must contain:

1. The title of the court, name of the county, and of the city or township in which the action is brought, and the names of the parties thereto;

2. A direction that the defendant appear and answer before the justice, at his office, as specified in section eight hundred and forty-five;

3. If the action is upon a contract and the complaint demands judgment for money or damages, a notice that unless the defendant so appears and answers, the plaintiff will take judgment for such amount, naming it; and, in all other cases, a notice that unless the defendant so appears and answers, the plaintiff will apply to the court for the relief demanded in the complaint. If the plaintiff appears by attorney, the name of the attorney must be indorsed upon the summons.

Sec. 181. Section eight hundred and forty-five of said code is hereby amended to read as follows:

Section 845. The time specified in the summons for the appearance of the defendant must be as follows:

1. If an order of arrest is indorsed upon the summons, forthwith;

2. In all other cases, within five days, if the summons is served in the city and county, township, or city, in which the action is brought; within ten days, if served out of the township or city, but in the county in which the action is brought; and within twenty days, if served elsewhere.

Sec. 182. Section eight hundred and forty-eight of said code is hereby amended to read as follows:

Section 848. The summons cannot be served out of the county wherein the action is brought, except in the following cases:

1. When the action is upon the joint contract or obligation of two or more persons, one of whom resides within the county;

2. When the action is brought against a party who has contracted in writing to perform an obligation at a particular place, and resides in a different county, in which case the summons may be served in the county where he resides;

3. When the action is for injury to person or property, and the defendant resides in a different county, in which case summons may be served in the county wherein he may be found.

4. In all cases where the defendant was a resident of the county when the action was brought, and thereafter departed therefrom, in which event he may be served wherever he may be found;

5. In actions of forcible entry and detainer, or to enforce and foreclose liens on, or to recover possession of, personal property situate within the county.

Sec. 183. Section eight hundred and forty-nine of said code is hereby amended to read as follows:

Section 849. The summons may be served by a sheriff or constable of any of the counties of this state, or by any other person of the age of eighteen years not a party to the action. When a summons issued by a justice of the peace is to be served out of the county in which it was issued, the summons must have attached to it a certificate, under seal, by the county clerk of such county, to the effect that the person issuing the same was an acting justice of the peace at the date of the summons, and must be served and returned, as provided in title five, part two, of this code, or it may be served by publication; and sections four hundred and thirteen and four hundred and twelve, so far as they relate to the publication of summons, are made applicable to justices' courts, the word "justice" being substituted for the word "judge" wherever the latter word occurs.

SEC. 184. Section eight hundred and fifty-five of said code is hereby amended to read as follows:

Section 855. The answer may contain a denial of any or all of the material facts stated in the complaint, which the defendant believes to be untrue, and also a statement, in a plain and direct manner, of any other facts constituting a defense or counterclaim, upon which an action might be brought by the defendant against the plaintiff, or his assignor, in a justice's court.

SEC. 185. Section eight hundred and fifty-nine of said code is hereby amended to read as follows:

Section 859. Either party may, at any time before the conclusion of the trial, amend any pleading; but if the amendment is made after the issue, and it appears to the satisfaction of the court, by oath, that an adjournment is necessary to the adverse party in consequence of such amendment, an adjournment must be granted. The court may also, in its discretion, when an adjournment will by the amendment be rendered necessary, require, as a condition to the allowance of such amendment, made after issue joined, the payment of costs to the adverse party, to be fixed by the court, not exceeding twenty dollars. The court may also, on such terms as may be just, and on payment of costs, relieve a party from a judgment by default taken against him by his mistake, inadvertence, surprise, or excusable neglect, but the application for such relief must be made within ten days after notice of the entry of the judgment and upon an affidavit showing good cause therefor.

SEC. 186. Section eight hundred and sixty-six of said code is hereby amended to read as follows:

Section 866. A writ to attach the property of the defendant must be issued by the justice at the time of, or after, issuing summons, on receiving an affidavit by or on behalf of the plaintiff, showing the same facts as are required to be shown by the affidavit specified in section five hundred and thirty-eight.

SEC. 187. Section eight hundred and sixty-seven of said code is hereby amended to read as follows:

Section 867. Before issuing the writ, the justice must require a written undertaking on the part of the plaintiff, with two or more sufficient sureties, in a sum not less than fifty nor more than three hundred dollars, to the effect that if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking. At any time after the issuing of the attachment, but not later than five days after notice of its levy, the defendant may except to the sufficiency of the sureties. If he fails to do so, he is deemed to have waived all objections to them. When excepted to they must justify in the manner and within the time provided in section five hundred and thirty-nine, otherwise the justice must order the writ of attachment vacated.

SEC. 188. Section eight hundred and eighty-seven of said code is hereby amended to read as follows.

Section 887. If the complaint of the plaintiff, or the answer of the defendant, contains a copy, or consists of the original of the written obligation upon which the action is brought or the defense founded, the genuineness and due execution of such instrument are deemed admitted, unless the answer denying the same is verified, or unless the plaintiff, within two days after the service on him of such answer, files with the justice an affidavit denying the same, and serves a copy thereof on the defendant.

SEC. 189. Section eight hundred and ninety-two of said code is hereby amended to read as follows:

Section 892. When the trial is by the court, judgment must be entered within ten days after the submission.

SEC. 190. Section eight hundred and ninety-three of said code is hereby amended to read as follows:

Section 893. The judgment of a justice of the peace must be entered substantially in the form required in section six hundred and sixty-seven, and where the defendant is subject to arrest and imprisonment thereon that fact must be stated in the judgment. No judgment shall have effect for any purpose until so entered.

SEC. 191. Section eight hundred and ninety-five of said code is hereby amended to read as follows:

Section 895. If the defendant, at any time before the trial, offers, in writing, to allow judgment to be taken against him for a specified sum, the plaintiff may immediately have judgment therefor, with the costs then accrued; but if he does not accept such offer before the trial, and fails to recover in the action a sum in excess of the offer, he cannot recover costs incurred after the offer, but costs must be adjudged against him, and, if he recovers, be deducted from his recovery. The offer and failure to accept it cannot be given in evidence nor affect the recovery, otherwise than as to costs.

SEC. 192. Section nine hundred and five of said code is hereby amended to read as follows:

Section 905. The sections of this code, from seven hundred and fourteen to seven hundred and twenty-one, both inclusive, are applicable to justices' courts, the word "constable" being substituted, to that end, for the word "sheriff," whenever the writ is directed to a constable, and the word "justice" for "judge." If the judgment debtor does not reside in the county wherein the judgment was entered, an abstract of the judgment, in the form prescribed by section eight hundred and ninety-seven, may be filed in the office of the justice of any town, township, or city wherein the defendant

resides, and such justice may issue execution on such judgment, and may take and exercise such jurisdiction in proceedings supplemental to execution, as if such judgment were originally entered in his court.

SEC. 193. Section nine hundred and six of said code is hereby amended to read as follows:

Section 906. A justice may punish as for contempt, persons guilty of the following acts, and no other:

1. Disorderly, contemptuous, or insolent behavior toward the justice while holding court, tending to interrupt the due course of a trial or other judicial proceeding;

2. A breach of the peace, boisterous conduct, or violent disturbance in the presence of the justice, or in the immediate vicinity of the court held by him, tending to interrupt the due course of a trial or other judicial proceeding;

3. Disobedience or resistance to the execution of a lawful order or process, made or issued by him;

4. Disobedience to a subpoena duly served, or refusing to be sworn or to answer as a witness;

5. Rescuing any person or property in the custody of an officer by virtue of an order or process of the court held by him;

6. Either of the acts specified in subdivisions four, eight, or eleven, of section twelve hundred and nine.

SEC. 194. Section nine hundred and thirty-six of said code is hereby numbered nine hundred and thirty-four, and as so numbered reads:

Section 934. A judgment or order in a civil action, except when expressly made final by this code, may be reviewed as prescribed in this title, and not otherwise.

SEC. 195. Section nine hundred and thirty-seven of said code is hereby numbered nine hundred and thirty-five, and as so numbered reads:

Section 935. An order made out of court, without notice to the adverse party, may be vacated or modified without notice, by the judge who made it; or may be vacated or modified on notice, in the manner in which other motions are made.

SEC. 196. Section nine hundred and thirty-eight of said code is hereby numbered nine hundred and thirty-six, and as so numbered reads:

Section 936. Any party aggrieved may appeal in the cases prescribed in this title. The party appealing is known as the appellant, and the adverse party as the respondent.

SEC. 197. Section nine hundred and thirty-seven of said code is hereby amended to read as follows:

Section 937. Whenever an appeal is perfected, as provided in this chapter, it stays all further proceedings in the court below upon the judgment or order appealed from, or upon the matters embraced therein, and releases from levy property which has been levied upon under execution issued upon such judgment; but the court below may proceed upon any other matter embraced in the action and not affected by the order (or judgment) appealed from. And the court below may, in its discretion, dispense with or limit the security required by this chapter, when the appellant is an executor, administrator, trustee, or other person acting in another's right. An appeal does not continue in force an attachment unless an undertaking is executed and filed on the part of the appellant, by at least two sureties, in double the amount of the debt claimed by him, that the appellant will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order or judgment of the court below is sustained; nor, unless, within five days after the entry of the order appealed from, such appeal is perfected, in which case the attachment is continued in force in the same manner as if such order had not been made, or such judgment given.

SEC. 198. Section nine hundred and sixty-five of said code is hereby numbered nine hundred and thirty-eight, and as so numbered is hereby amended to read as follows:

Section 938. When an executor, administrator, or guardian who has given an official bond, appeals from a judgment or order made in the proceedings had upon the estate of which he is executor, administrator, or guardian, his official bond stands in the place of an undertaking on appeal; and the sureties thereon are liable as on such undertaking.

SEC. 199. A new section is hereby added to said code to be numbered nine hundred and thirty-eight *a*, and to read as follows:

Section 938*a*. When the judgment or order appointing an executor, administrator, or guardian, is reversed on appeal, for error, and not for want of jurisdiction of the court, all lawful acts in administration upon the estate performed by such executor, administrator, or guardian, if he has qualified, are as valid as if such judgment or order had been affirmed.

SEC. 200. Section nine hundred and sixty-three is hereby numbered nine hundred and thirty-nine and as so numbered reads:

Section 939. An appeal may be taken to the supreme court, from a superior court, within the times herein specified in the following cases:

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, within six months after the entry of judgment. But an exception to the decision or verdict, on the ground that it is not supported by the evidence, cannot be reviewed on an appeal from the judgment, unless the appeal is taken within sixty days after the entry of the judgment;

2. From a final judgment entered in an action or special proceeding, brought into a superior court from an inferior court, in cases of forcible entry and detainer, and cases involving the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, within ninety days after the entry of such judgment;

3. From an order granting or refusing a new trial; from an order setting aside or vacating a judgment or decree; from an order granting or dissolving an injunction; from an order refusing to grant or dissolve an injunction; from an order appointing a receiver; from an order dissolving or refusing to dissolve an attachment; from an order granting or refusing to grant a change of the place of trial; from any special order made after final judgment; from an interlocutory judgment; and from an order confirming, changing, modifying, or setting aside, in whole or in part, a report of referees in actions for partition of real property in the cases mentioned in section seven hundred and sixty-three; within sixty days after the order or interlocutory judgment is made and entered in the minutes of the court;

4. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking or refusing to revoke the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale, or conveyance of real property, or settling an account of an executor, administrator, or guardian; or refusing, allowing, or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, or legacy, or distributive share; or confirming or refusing to confirm a report of an appraiser, or appraisers, setting apart a homestead; within sixty days after the order or decree is made and entered in the minutes of the court.

SEC. 201. Section nine hundred and forty of said code is hereby amended to read as follows:

Section 940. An appeal is taken by filing with the clerk of the court in which the judgment or order appealed from is entered, a notice stating the appeal from the same, or some specific part thereof, and serving a similar notice on the adverse party or his attorney. The order of service is immaterial, but the appeal is ineffectual for any purpose unless within five days after service of the notice of appeal, an undertaking is filed, or a deposit of money is made with the clerk, as hereinafter provided, or the undertaking is waived by the adverse party in writing. If the adverse party has not appeared either in person or by attorney, service upon him may be made by delivering a copy of the notice to the clerk of the court from which the appeal is taken.

SEC. 202. Section nine hundred and forty-six of said code is hereby repealed.

SEC. 203. Section nine hundred and forty-eight of said code is hereby amended to read as follows:

Section 948. The adverse party may except to the sufficiency of the sureties to any of the undertakings mentioned in sections nine hundred and forty-one, nine hundred and forty-two, nine hundred and forty-three, and nine hundred and forty-five, at any time within thirty days after notice of the filing of such undertaking; and unless they or other sureties, within twenty days after the appellant has been served with notice of such exception, justify before a judge of the court below, or county clerk upon five days' notice to the respondent of the time and place of justification, execution of the judgment, order, or decree appealed from is no longer stayed; and, if the undertaking is of the class mentioned in section nine hundred and forty-one, the appeal must be dismissed. In all cases where an undertaking is required on appeal by the provisions of this title, a deposit in the court below of the amount of the judgment appealed from, including an amount to be fixed by the court sufficient to cover interest thereon pending the appeal, and three hundred dollars in addition, is equivalent to filing the undertaking, and in all cases the undertaking or deposit may be waived by the written consent of the respondent.

SEC. 204. Section nine hundred and fifty of said code is hereby amended to read as follows:

Section 950. On an appeal from a final judgment, the appellant must furnish the court with a copy of the notice of appeal, of the judgment roll, and of any bill of exceptions upon which the appellant relies. Any statement, settled after the decision of a motion for a new trial, when the motion is made upon the minutes of the court, as provided in section six hundred and sixty-one, or any bill of exceptions settled, as provided in sections six hundred and forty-nine or six hundred and fifty, or used on motion for a new trial, may be used on appeal from a final judgment equally as upon appeal from the order granting or refusing the new trial.

SEC. 205. Section nine hundred and fifty-two of said code is hereby amended to read as follows:

Section 952. On appeal from an order granting or refusing a new trial, the appellant must furnish the court with a copy of the notice of appeal, of the notice of intention to move for a new trial, of the order appealed from, and of the papers designated in section six hundred and sixty-one.

SEC. 206. Section nine hundred and fifty-six of said code is hereby amended to read as follows:

Section 956. Upon an appeal from a judgment, the court may review the verdict or decision, and any intermediate order or decision excepted to, which involves the merits, or necessarily affects the judgment, except a decision or order from which an appeal might have been taken. When a judgment is reversed for error in refusing to grant a nonsuit or in refusing to direct a verdict, the appellate court may, in its discretion, direct the court below, without a new trial, to enter judgment of nonsuit or to enter judgment in favor of the party for whom a verdict should have been directed.

SEC. 207. Section nine hundred and fifty-eight of said code is hereby amended to read as follows:

Section 958. When judgment is rendered upon the appeal, it must be certified by the clerk of the supreme court to the clerk with whom the judgment roll is filed or the order appealed from is entered. A copy of the opinion of the supreme court must be attached to the certificate. In cases of appeal from the judgment, the clerk with whom the roll is filed must attach the certificate to the judgment roll, and enter a minute of the judgment of the supreme court on the docket against the original entry. In cases of appeal from an order, the clerk must enter at length in the records of the court the certificate received, and minute against the entry of the order appealed from, a reference to the certificate, with a brief statement that such order has been affirmed, reversed, or modified by the supreme court on appeal.

SEC. 208. Section nine hundred and fifty-nine of said code is hereby repealed.

SEC. 209. Section nine hundred and sixty-three of said code is hereby repealed.

SEC. 210. Section nine hundred and sixty-four of said code is hereby repealed.

SEC. 211. Section nine hundred and sixty-five of said code is hereby repealed.

SEC. 212. Section nine hundred and sixty-six of said code is hereby repealed.

SEC. 213. Section nine hundred and seventy-four of said code is hereby amended to read as follows:

Section 974. Any party dissatisfied with a judgment rendered in a civil action in a police or justice's court, may appeal therefrom to the superior court of the county, at any time within thirty days after the notice of entry of the judgment. The appeal is taken by filing a notice of appeal with the justice or judge, and serving a copy on the adverse party. The notice must state whether the appeal is taken from the whole or a part of the judgment, and if from a part, what part.

SEC. 214. Section nine hundred and seventy-five of said code is hereby repealed.

SEC. 215. Section nine hundred and seventy-six of said code is hereby repealed.

SEC. 216. Section nine hundred and seventy-seven of said code is hereby amended to read as follows:

Section 977. Upon receiving the notice of appeal, and on payment of the fees of the justice or judge, payable on appeal and not included in the judgment, and filing an undertaking as required in the next section, the justice or judge must, within five days, transmit to the clerk of the superior court a certified copy of his docket, the pleadings, all notices, motions, and all other papers filed in the cause, the notice of appeal and the undertaking filed; and the justice or judge may be compelled by the superior court, by an order entered upon motion, to transmit such papers, and may be fined for neglect or refusal to transmit the same. A certified copy of such order may be served on the justice or judge by the party or his attorney.

SEC. 217. Section nine hundred and seventy-eight of said code is hereby amended to read as follows:

Section 978. An appeal from a justice's or police court where no stay of proceedings is claimed is not effectual for any purpose, unless an undertaking is filed with two or more sureties in the sum of one hundred dollars, for the payment of the costs on the appeal; or, if a stay of proceedings is claimed, in a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or twice the value of the property, including costs, when the judgment is for the recovery of specific personal property, and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal is withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the superior court. When the action is for the recovery of, or to enforce or foreclose a lien on, specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal is withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the superior court, and will obey any order made by the court therein. When the judgment appealed from directs the delivery of possession of real property, the execution of the same cannot be stayed unless a written undertaking is executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit or suffer to be committed, any waste thereon, and that if the appeal is dismissed or withdrawn, or the judgment affirmed, or judgment be recovered against him in the action in the superior court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, or that he will pay any judgment and costs that may be recovered against him in said action in the superior court, not exceeding a sum to be fixed by the justice of the court from which the appeal is taken, and which sum must be specified in the undertaking. A deposit of the amount of the judgment, including all costs, appealed from or of the value of the property, including all costs, in actions for the recovery of specific personal property, with the justice or judge, is equivalent to the filing of the undertaking, and in such cases the justice or judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the court. The adverse party may except to the sufficiency of the sureties within five days after the filing of the undertaking, and unless they or other sureties justify before the justice or judge within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

SEC. 218. Section nine hundred and eighty of said code is hereby amended to read as follows:

Section 980. In all cases the action must be tried anew in the superior court, and the trial must be conducted in all respects as other trials in such courts, and all the provisions of this code as to amendments to pleadings are applicable therein. If the judgment on the appeal is more favorable to the appellant than that from which he appealed, he is entitled to recover all costs incurred by him after filing his notice of appeal, and is not liable for any costs incurred by the respondent after that time; and if such judgment is less favorable to him than that from which he appealed, he is entitled to recover no costs incurred after filing his notice of appeal, and is liable for any costs incurred by the respondent after that time. For a failure to prosecute an appeal, or unnecessary delay in bringing it to a hearing, the superior court, after notice, may order the appeal to be dismissed with costs; and if it appears to such court that the appeal was taken solely for delay, it may add to the costs such damages as may be just, not exceeding twenty-five per cent of the judgment appealed from. Judgments rendered in the superior court on appeal have the same force and effect, and may be enforced in the same manner, as judgments in actions commenced in the superior court.

SEC. 219. Section nine hundred and ninety-two of said code is hereby amended to read as follows:

Section 992. Upon such summons, the defendant may answer within the time specified therein, denying the judgment, or setting up any defense which may have arisen subsequently; or he may deny his liability on the obligation upon which the judgment was recovered, by reason of any defense existing at the commencement of the action.

SEC. 220. Section nine hundred and ninety-three of said code is hereby amended to read as follows:

Section 993. If the defendant, in his answer, denies the judgment, or sets up any defense which may have arisen subsequently, the summons, with the affidavit annexed, and the answer, constitute the written allegations in the case; if he denies his liability on the obligation upon which the judgment was recovered, a copy of the original complaint and judgment, the summons, with the affidavit annexed, and the answer, constitute such written allegations, subject to the right of the parties, to amend their pleadings as in other cases.

SEC. 221. Section nine hundred and ninety-seven of said code is hereby amended to read as follows:

Section 997. The defendant may at any time, not less than ten days before the trial, serve upon the plaintiff an offer to allow judgment to be taken against him for the sum or property, or to the effect therein specified. If the plaintiff accepts the offer, and gives notice thereof within five days, he may file the offer, with proof of notice of acceptance, and the clerk must thereupon enter judgment accordingly. If the notice of acceptance is not given, the offer is to be deemed withdrawn, and cannot be given in evidence upon the trial; and if the plaintiff fails to obtain a more favorable judgment, he cannot recover costs incurred after the offer, but must pay the defendant's costs from the time of the offer, and if the plaintiff recovers, such costs must be deducted from the amount of the recovery.

SEC. 222. Section ten hundred and five of said code is hereby amended to read as follows:

Section 1005. When a written notice of a motion is necessary, it must be given, if the court is held in the county in which the attorney, or some of the attorneys, of each of the parties have their offices, five days before the time appointed for the hearing; otherwise, ten days. When the notice is served by mail, the number of days before the hearing must be increased one day for every twenty-five miles of distance between the place of deposit and the place of service; such increase, however, not to exceed in all thirty days; but in all cases the court, or a judge thereof, may prescribe a shorter time.

SEC. 223. A new section is hereby added to said code, to be numbered ten hundred and eight and to read as follows:

Section 1008. No order has any force or effect until filed or entered on the minutes of the court.

SEC. 224. Section ten hundred and ten of said code is hereby amended to read as follows:

Section 1010. Notices must be in writing, and the notice of a motion, other than for a new trial, must state when, and the grounds upon which it will be made, and the papers, if any, upon which it is to be based. If any such paper has not previously been served upon the party to be notified, and was not filed by him, a copy of such paper must accompany the notice. Notices and other papers may be served upon the party or attorney in the manner prescribed in this chapter, when not otherwise provided by this code.

SEC. 225. Section ten hundred and eleven of said code is hereby amended to read as follows:

Section 1011. The service may be personal, by delivery to the party or attorney on whom the service is required to be made, or it may be as follows:

1. If upon an attorney, it may be made during his absence from his office, by leaving the notice or other papers with his clerk therein, or with a person having charge thereof; or when there is no person in the office, by leaving them between the hours of nine in the morning and five in the afternoon, in a conspicuous place in the office; or, if it is not open so as to admit of such service, then by leaving them at the attorney's resi-

dence, with some person of suitable age and discretion, if his residence is in the same county with his office; and if his residence is not known, or is not in the same county with his office, or being in the same county is not open, or there is not found thereat any person of suitable age and discretion, then by putting the same, inclosed in a sealed envelope, into the postoffice directed to such attorney at his office, if known; otherwise, to his residence, if known; and if neither his office nor his residence is known, then by delivering the same to the clerk of the court for the attorney;

2. If upon a party, it may be made by leaving the notice or other paper at his residence, between the hours of eight in the morning and six in the evening, with some person of suitable age and discretion; and, if his residence is not known, by delivering the same to the clerk of the court for such party;

3. The plaintiff at the time of filing the complaint, and the defendant at the time of appearing, may deposit with the clerk the address of a place at which notices or papers may be served on them respectively, and may at any time thereafter serve upon the adverse party and file with the clerk a change of such address; and any address so given must be deemed to be the office of the attorney or the residence of the party, as the case may be, within the meaning of the preceding subdivisions of this section.

SEC. 226. Section ten hundred and thirteen of said code is hereby amended to read as follows:

Section 1013. In case of service by mail, the notice or other paper must be deposited in the postoffice, in a sealed envelope, addressed to the person on whom it is to be served, at his office or place of residence, and the postage paid. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised or an act is to be done by the adverse party, the time within which such right may be exercised or act be done is extended one day for every twenty-five miles distance between the place of deposit and the place of address; such extension, however, not to exceed thirty days in all.

SEC. 227. Section ten hundred and fifteen of said code is hereby amended to read as follows:

Section 1015. When a plaintiff or a defendant, who has appeared, resides out of the state, and has no attorney in the action or proceeding, the service may be made on the clerk for him. But in all cases where a party has an attorney in the action or proceeding, the service of papers, when required, must be upon the attorney instead of the party, except of subpoenas, of writs, and other process issued in the suit, and of papers to bring him into contempt. If the sole attorney for a party is removed or suspended from practice, then the party has no attorney within the meaning of this section. If his sole attorney has no known office in this state, notices and papers may be served by leaving a copy thereof with the clerk of the court, unless such attorney shall have filed in the cause an address of a place at which notices and papers may be served on him, in which event they may be served at such place.

SEC. 228. Section ten hundred and twenty-one of said code is hereby amended to read as follows:

Section 1021. Parties to actions or proceedings are entitled to costs as hereinafter provided; and, except where otherwise expressly provided by law, the word "costs" includes only the following:

1. The fees allowed by law to any officer (except a phonographic reporter), for any official act performed by him in the action or proceeding, or in taking the verification to any paper filed in the action or proceeding, or in executing process therein;

2. The actual expense of the service, by a person other than the sheriff or constable, of a summons or subpoena, not exceeding the fees allowed by law to those officers for such service;

3. The fees allowed by law to a phonographic reporter for reporting the testimony and proceedings in the action or proceeding; and the fees allowed him by law for transcribing such testimony and proceedings, when such transcription has been ordered by the court;

4. The reasonable compensation of a notary, commissioner, or other person, for taking a deposition to be used in the action or proceeding, when no fee is fixed by the law of this state for such service;

5. The fees allowed by law to any officer for making and certifying a copy of any public writing, or any record of a private writing, put in evidence in the action or proceeding;

6. The fees and mileage allowed by law to any witness who has testified in the action or proceeding; and to any witness attending to give testimony upon subpoena or at the request of a party, though he gives no testimony, if it appears that his presence was procured in good faith and upon reasonable grounds; *provided*, that the mileage allowed to any witness attending without subpoena must in no case exceed thirty miles;

7. The reasonable compensation of expert witnesses called by the court, for their attendance, and for such preparation as the court may order, including the making of examinations, measurements, surveys, maps, diagrams, photographs, models, and other things so ordered to be made;

8. The fees allowed by law to the jurors impaneled to try the cause;

9. The fees allowed by law, or paid by agreement of the parties, to a referee, for his services in the action or proceeding;

10. Such reasonable amount as the court may allow for printing transcripts, briefs, and other documents, when required by law or by any lawful rule or order of the supreme court to be printed;

11. Any other disbursement made in the action or proceeding by lawful direction of the court, or by stipulation of the parties.

No item of costs must be taxed in favor of any party unless he has actually paid or become unconditionally liable to pay the same, nor unless the same was incurred in good faith, in accordance with law, and upon reasonable grounds.

SEC. 229. Section ten hundred and twenty-three of said code is hereby amended to read as follows:

Section 1023. When several actions are brought on one bond, undertaking, promissory note, bill of exchange, or other instrument in writing, or in any other case for the same cause of action, and costs have been allowed to the plaintiff in one of such actions, no item of costs shall be taxed in his favor in any subsequent one of said actions, which would not have been incurred had only one action been brought.

SEC. 230. Section ten hundred and twenty-four of said code is hereby amended to read as follows:

Section 1024. Costs must be allowed, of course, to a defendant, upon a judgment in his favor in the actions mentioned in section ten hundred and twenty-two, and in special proceedings.

SEC. 231. Section ten hundred and twenty-five of said code is hereby amended to read as follows:

Section 1025. In other actions than those mentioned in section ten hundred and twenty-two, costs may be allowed or not, and, if allowed, may be apportioned between the parties on the same or adverse sides, in the discretion of the court; but no costs can be allowed in an action for the recovery of money or damages when the plaintiff recovers less than three hundred dollars, nor in an action to recover the possession of personal property, when the value of the property recovered is less than three hundred dollars.

SEC. 232. Section ten hundred and twenty-six of said code is hereby repealed.

SEC. 233. Section ten hundred and thirty-one of said code is hereby amended to read as follows:

Section 1031. In an action or proceeding prosecuted or defended by an executor, administrator, trustee of an express trust, or a person expressly authorized by statute, costs may be recovered as in an action or proceeding by or against a person prosecuting or defending in his own right; but such costs must by the judgment be made chargeable only upon the estate, fund, or party represented, unless the court directs the same to be paid by the plaintiff or defendant, personally, for mismanagement or bad faith in the action or proceeding.

SEC. 234. Section ten hundred and thirty-three of said code is hereby amended to read as follows:

Section 1033. A party claiming costs must serve upon the adverse party and file with the clerk, within five days after notice of the entry of judgment, a memorandum of the items of his costs in the action or proceeding, verified by his oath, or the oath of his attorney or agent, or of the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and were incurred in good faith in the action or proceeding, in accordance with law, and upon reasonable grounds. A party dissatisfied with the costs claimed, may have the same taxed by the court, upon written notice given within five days after service of the memorandum of costs, designating the items objected to and the grounds of such objection. Upon such motion, the party claiming costs must make proof of all items objected to by the adverse party.

SEC. 235. Section ten hundred and thirty-four of said code is hereby amended to read as follows:

Section 1034. A party awarded his costs by the supreme court on an appeal, or in an original proceeding therein, must, if he claims the same, serve upon the adverse party and file in such court, within ten days after its judgment has become final, a verified memorandum of his costs as provided in section ten hundred and thirty-three. Upon service of such memorandum, the adverse party, if dissatisfied with the costs claimed, may, within the time and in the manner provided in section ten hundred and thirty-three, have the same taxed by such appellate court. When such costs have been taxed or ascertained, the clerk of the court must, in an original proceeding, issue execution therefor. In all other cases he must certify the amount thereof to the clerk of the court from which the appeal was taken, and upon the filing of such certificate, execution therefor may issue from the latter court, as in case of a judgment of that court.

SEC. 236. Section ten hundred and thirty-six of said code is hereby amended to read as follows:

Section 1036. When the plaintiff in an action or special proceeding resides out of the state, or is a foreign corporation, security for the costs and charges, which may be awarded against such plaintiff, may be required by the defendant. When required, all proceedings in the action or special proceeding must be stayed until an undertaking, executed by two or more persons, is filed with the clerk, to the effect that they will pay such costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the action or special proceeding, not exceeding the sum of three hundred dollars. A new or an additional undertaking may be ordered by the court or judge, upon proof that the original undertaking is insufficient security, and proceedings in the action or special proceeding stayed until such new or additional undertaking is executed and filed.

SEC. 237. Section ten hundred and thirty-seven of said code is hereby amended to read as follows:

Section 1037. After the lapse of thirty days from the service of notice that security is required, or of an order for new or additional security, upon proof thereof, and that no undertaking as required has been filed, the court or judge must order the action or proceeding to be dismissed.

SEC. 238. A new section is hereby added to said code, to be numbered ten hundred and forty and to read as follows:

Section 1040. None of the provisions of this chapter, except those of sections ten hundred and thirty, ten hundred and thirty-one, ten hundred and thirty-three, ten hundred and thirty-six, ten hundred and thirty-seven, ten hundred and thirty-eight, and ten hundred and thirty-nine, and subdivisions one, two, four, five, six, and eight of section ten hundred and twenty-one, and the general provisions of said section ten hundred and twenty-one, apply to justices' courts.

SEC. 239. Section ten hundred and forty-nine of said code is hereby amended to read as follows:

Section 1049. An action is deemed to be pending from the time of its commencement until its final determination upon appeal, or until the time for appeal has passed, unless the judgment is sooner satisfied by or with the consent of the appellant.

SEC. 240. Section ten hundred and fifty-four of said code is hereby amended to read as follows:

Section 1054. When an act to be done, as provided in this code, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of statements, or of bills of exceptions, or of amendments thereto, or to the service of notices other than of appeal, the time allowed by this code may be extended, upon good cause shown, by a judge of the superior court in and for the county in which the action is pending, or by the judge who presided at the trial of the action; but such extension shall not exceed thirty days, without the consent of the adverse party; nor shall the time within which one may demur be extended; except that when it appears to the judge to whom said application is made, that the sole attorney of record for the party applying for said extension is actually engaged in attendance upon a session of the legislature of this state, as a member thereof; in which case it shall be the duty of said judge to extend said time until said session of the legislature adjourns, and thirty days thereafter. No extension of time for more than three days shall be granted, except upon notice of at least three days to the adverse party.

SEC. 241. Section ten hundred and fifty-five of said code is hereby amended to read as follows:

Section 1055. If an action is brought against any officer or person for an act for the doing of which he had theretofore received any valid bond or covenant of indemnity, and he gives seasonable notice thereof to the persons who executed such bond or covenant, and permits them to conduct the defense of such action, the judgment recovered therein is conclusive evidence against the persons so notified; and the court may, on motion of the defendant, upon notice of five days, and upon proof of such bond or covenant, and of such notice and permission, enter judgment against them for the amount so recovered and costs.

SEC. 242. Section ten hundred and fifty-seven of said code is hereby amended to read as follows:

Section 1057. In any case where an undertaking or bond is authorized or required by any law of this state, the officer taking the same must, except in the case of such a corporation as is mentioned in the next preceding section, require the sureties to accompany it with an affidavit that they are each residents and householders, or freeholders, within the state, and are each worth the sum specified in the undertaking or bond, over and above all their just debts and liabilities, exclusive of property exempt from execution; but when the amount specified in the undertaking or bond exceeds three thousand dollars, and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than the amount specified in the undertaking or bond, if the whole amount is equivalent to that of two sufficient sureties. Any corporation such as is mentioned in the next preceding section, may become one of such sureties. No such corporation must be accepted in any case as a surety when its liabilities exceed its assets, as ascertained in the manner provided in section ten hundred and fifty-six. Whenever an undertaking has been given and approved in any action or proceeding, and it is thereafter made to appear to the satisfaction of the court that any surety upon such undertaking has for any reason become insufficient, the court may, upon notice, order the giving of a new undertaking, with sufficient sureties, in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon when required, all rights obtained by the filing of such original undertaking shall immediately cease.

SEC. 243. Section ten hundred and sixty-nine of said code is hereby amended to read as follows:

Section 1069. The application must be made on the verified petition of the party beneficially interested, and the court may require a notice of the application to be given to the adverse party, or may grant an order to show cause why it should not be allowed, or may grant the writ without notice.

SEC. 244. Section ten hundred and eighty-six of said code is hereby amended to read as follows:

Section 1086. The writ must be issued in all cases where there is not a plain, speedy,

and adequate remedy, in the ordinary course of law. It must be issued upon the verified petition of the party beneficially interested.

SEC. 245. Section ten hundred and eighty-seven of said code is hereby amended to read as follows:

Section 1087. The writ may either be alternative or peremptory. The alternative writ must command the party to whom it is directed immediately after the receipt of the writ, or at some other specified time, to do the act required to be performed, or to show cause before the court at a specified time and place why he has not done so. The peremptory writ must be in a similar form, except that the words requiring the party to show cause why he has not done as commanded must be omitted and a return day inserted.

SEC. 246. Section ten hundred and eighty-eight of said code is hereby amended to read as follows:

Section 1088. When the application to the court is made without notice to the adverse party, and the writ is allowed, the alternative must be first issued; but if the application is upon due notice and the writ is allowed, the peremptory may be issued in the first instance. With the alternative writ and also with any notice of an intention to apply for the writ, there must be served on each person against whom the writ is sought a copy of the petition. The notice of the application, when given, must be at least ten days. The writ cannot be granted by default. The case must be heard by the court, whether the adverse party appears or not.

SEC. 247. Section ten hundred and eighty-nine of said code is hereby amended to read as follows:

Section 1089. On the return of the alternative, or the day on which the application for the writ is noticed, the party on whom the writ or notice has been served may answer the petition under oath, in the same manner as an answer to a complaint in a civil action.

SEC. 248. Section eleven hundred and three of said code is hereby amended to read as follows:

Section 1103. It may be issued by any court except police or justices' courts, to an inferior tribunal or to a corporation, board, or person, in all cases where there is not a plain, speedy, and adequate remedy in the ordinary course of law. It is issued upon the verified petition of the person beneficially interested.

SEC. 249. Section eleven hundred and four of said code is hereby amended to read as follows:

Section 1104. The writ must be either alternative or peremptory. The alternative writ must command the party to whom it is directed to desist or refrain from further proceeding in the action or matter specified therein, until the further order of the court from which it is issued, and to show cause before such court, at a specified time and place, why such party should not be absolutely restrained from any further proceedings in such action or matter. The peremptory writ must be in a similar form, except that the words requiring the party to show cause why he should not be absolutely restrained, etc., must be omitted, and a return day inserted.

SEC. 250. Section eleven hundred and eight of said code is hereby repealed.

SEC. 251. Section eleven hundred and nine of said code is hereby amended to read as follows:

Section 1109. Except as otherwise provided in this title, the provisions of part two of this code are applicable to, and constitute the rules of practice in, the proceedings mentioned in this title, and new trials and appeals therein.

SEC. 252. Section eleven hundred and ten of said code is hereby repealed, and a new section, numbered eleven hundred and ten, is hereby added to said code, to read as follows:

Section 1110. In case any court, judge, or other officer, or any board or other tribunal in the discharge of duties of a public character, is named as defendant, the complaint or petition must also disclose, so far as known to plaintiff or the petitioner, the name or names of the real party or parties, if any, in interest, or whose interest will be directly affected by the proceedings, and, in such case, the parties so named must be served with every notice, paper, or writ, served or required to be served upon the defendant, and are entitled to defend for their own interest.

SEC. 253. Section eleven hundred and fifteen of said code is hereby amended to read as follows:

Section 1115. When an elector contests the right of any person declared elected to such office, he must, within twenty days after the declaration of the result of the election by the body canvassing the returns thereof, file with the county clerk a written statement, setting forth specifically:

1. The name of the party contesting such election, and that he is an elector of the district, county, or township, as the case may be, in which such election was held;

2. The name of the person whose right to the office is contested;

3. The office;

4. The particular grounds of such contest.

Such statement must be verified by the affidavit of the contesting party, that the matters and things therein contained are true.

SEC. 254. A new section is hereby added to said code, to be numbered eleven hundred and twenty-four, and to read as follows:

Section 1124. Whenever the body canvassing the returns of any such election declares that no person has received the highest number of votes given for that particular office, any elector of the county, city, or political subdivision of either, in which such office is

to be exercised, may, within twenty days after such declaration, contest the same by filing with the county clerk a written statement, setting forth specifically the matter stated in subdivisions one, three, and four of section eleven hundred and fifteen, and also the names of the persons shown by such declaration to have received an equal number of votes; which statement must be verified as provided in said section eleven hundred and fifteen. A citation must thereupon be issued for and served upon the persons so declared to have received an equal number of votes, as provided in section eleven hundred and nineteen, unless one of such persons is the contestant, in which case the citation need not be issued for or served upon him. Thereupon like proceedings must be had as are provided in this title for contesting the right of a person declared elected and all the provisions of this title, so far as applicable thereto, must govern in such proceedings.

Sec. 255. Section eleven hundred and twenty-six of said code is hereby amended to read as follows:

Section 1126. Either party aggrieved by the judgment of the court may, within thirty days after notice of the entry thereof, appeal therefrom to the supreme court, as in other cases of appeal thereto from the superior court.

Sec. 256. Section eleven hundred and thirty-four of said code is hereby amended to read as follows:

Section 1134. The statement must be filed with the clerk of the court in which the judgment is to be entered, who must indorse upon it, and enter in the judgment book, a judgment of such court for the amount confessed. The statement so verified and indorsed constitutes the judgment roll.

Sec. 257. The two sections of said code numbered eleven hundred and sixty-one, approved April first, eighteen hundred and seventy-eight, are hereby repealed, and a new section is hereby added to said code, numbered eleven hundred and sixty-one, to read as follows:

Section 1161. A tenant of real property for a term less than life is guilty of unlawful detainer:

1. When he continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to him, without the permission of his landlord, or the successor in estate of his landlord, if any there be; but in case of a tenancy at will, it must first be terminated by notice, as prescribed in the Civil Code;

2. Where he continues in possession, in person or by subtenant, without the permission of his landlord, or the successor in estate of his landlord, if any there be, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, in writing, requiring its payment, stating the amount which is due, or possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also upon such subtenant. Such notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, where the tenant has held over and retained possession for more than sixty days after the expiration of his term without any demand of possession or notice to quit by the landlord, or the successor in estate of his landlord, if any there be, he shall be deemed to be holding by permission of the landlord, or the successor in estate of his landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during said year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of a tenant to hold for another year;

3. When he continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, in writing, requiring the performance of such conditions or covenants, or the possession of the property, shall have been served upon him, and if there is a subtenant in actual occupation of the premises, also upon such subtenant. Within three days after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; *provided*, if the covenants and conditions of the lease, violated by the lessee, cannot afterward be performed, then no notice, as last prescribed herein, need be given to said lessee or his subtenant, demanding the performance of the violated covenant or conditions of the lease. A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant, in case of his unlawful detention of the premises underlet to him.

4. Any tenant or subtenant assigning or subletting or committing waste upon the demised premises, contrary to the covenants of his lease, thereby terminates the lease, and the landlord, or his successor in estate, shall, upon service of three days' notice to quit, upon the person or persons in possession, be entitled to restitution of possession of such demised premises under the provisions of this chapter.

Sec. 258. Section eleven hundred and sixty-three of said code is hereby repealed.

Sec. 259. Section eleven hundred and sixty-four of said code is hereby amended to read as follows:

Section 1164. No person other than the tenant of the premises and subtenant, if there is one, in the actual occupation of the premises when the complaint is filed, need be made parties defendant in the proceeding, nor shall any proceeding abate, nor the

plaintiff be nonsuited for the nonjoinder of any person who might have been made party defendant; but when it appears that any of the parties served with process, or appearing in the proceeding, is guilty of the offense charged, judgment must be rendered against him. In case a defendant has become a subtenant of the premises in controversy, after the service of the notice provided for by subdivision two of section eleven hundred and sixty-one, upon the tenant of the premises, the fact that such notice was not served on such subtenant constitutes no defense to the action. All persons who enter the premises under the tenant, after the commencement of the suit, are bound by the judgment, the same as if he or they had been made party to the action.

Sec. 260. Section eleven hundred and sixty-six of said code is hereby amended to read as follows:

Section 1166. The plaintiff, in his complaint, which shall be verified, must set forth the facts on which he seeks to recover, and describe the premises with reasonable certainty, and may set forth therein any circumstances of fraud, force, or violence which may have accompanied the alleged forcible entry or forcible or unlawful detainer, and claim damages therefor. In case the unlawful detainer charged is after default in the payment of rent, the complaint must state the amount of such rent. Upon filing the complaint, a summons must be issued thereon.

Sec. 261. Section eleven hundred and sixty-seven of said code is hereby amended to read as follows:

Section 1167. The summons must require the defendant to appear and answer within three days after the service of the summons upon him, and must notify him that if he fails to so appear and answer, the plaintiff will apply to the court for the relief demanded in the complaint. In all other respects the summons, or any alias summons in such proceedings, must be issued and served and returned in the same manner as summons in a civil action.

Sec. 262. Section eleven hundred and seventy-five of said code is hereby repealed.

Sec. 263. Section eleven hundred and eighty of said code is hereby repealed.

Sec. 264. Section eleven hundred and eighty-three of said code is hereby amended to read as follows:

Section 1183. Mechanics, materialmen, contractors, subcontractors, artisans, architects, machinists, builders, miners, and all persons and laborers of every class, performing labor upon or furnishing materials to be used in the construction, alteration, addition to, or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road, or other structure, have a lien upon the property upon which they bestow labor, or furnish materials, for the value of such labor done and materials furnished, whether at the instance of the owner or of any other person acting by his authority, or under him, as contractor or otherwise; and any person who performs labor in any mining claim or claims, has a lien upon the same, and the works owned and used by the owners for reducing the ores from such mining claim or claims, for the work or labor done, or materials furnished, by each respectively, whether done or furnished at the instance of the owner of the building or other improvement, or his agent, and every contractor, subcontractor, architect, builder, or other person having charge of any mining, or of the construction, alteration, addition to, or repair, either in whole or in part, of any building or other improvement, as aforesaid, must be held to be the agent of the owner, for the purposes of this chapter. In case of a contract for the work, between the reputed owner and his contractor, the lien extends to the entire contract price, and such contract operates as a lien in favor of all persons, except the contractor, to the extent of the whole contract price; and after all such liens are satisfied, then as a lien for any balance of the contract price in favor of the contractor. All such contracts must be in writing when the amount agreed to be paid thereunder exceeds one thousand dollars, and must be subscribed by the parties thereto, and the said contract, or a memorandum thereof, setting forth the names of all the parties to the contract, a description of the property to be affected thereby, together with a statement of the general character of the work to be done, the total amount to be paid thereunder, and the amounts of all partial payments, together with the times when such payments shall be due and payable, must, before the work is commenced, be filed in the office of the county recorder of the county where the property is situated, who shall receive one dollar for such filing; otherwise they are wholly void, and no recovery shall be had thereon by either party thereto; and in such case, the labor done and materials furnished before the filing of such contract, by all persons aforesaid, except the contractor, must be deemed to have been done and furnished at the personal instance of the owner, and they have a lien for the value thereof.

Sec. 265. Section eleven hundred and eighty-four of said code is hereby amended to read as follows:

Section 1184. No part of the contract price, where the same exceeds one thousand dollars, must, by the terms of any such contract, be made payable, nor must the same or any part thereof be paid in advance of the commencement of the work, but the contract price must, by the terms of the contract, be made payable in installments at specified times after the commencement of the work, or on the completion of specified portions of the work, or on the completion of the whole work; *provided*, that at least twenty-five per cent of the whole contract price must be made payable at least thirty-five days after the final completion of the contract. No payment made prior to the time when the same is due, under the terms and conditions of the contract, is valid for the purpose of defeating, diminishing, or discharging any lien in favor of any person, except the contractor; but as to such liens, such payment must be deemed as if not

made, and shall be applicable to such liens, notwithstanding that the contractor to whom it was paid may thereafter abandon his contract, or be or become indebted to the reputed owner in any amount for damages or otherwise, for non-performance of his contract or otherwise. As to all liens, except that of the contractor, the whole contract price shall be payable in money, and must not be diminished by any prior or subsequent indebtedness, offset, or counterclaim, in favor of the reputed owner and against the contractor; no alteration of any such contract shall affect any lien acquired under the provisions of this chapter. In case such contracts and alterations thereof do not conform substantially to the provisions of this section, the labor done and materials furnished by all persons except the contractor shall be deemed to have been done and furnished at the personal instance and request of the person who contracted with the contractor, and they shall have a lien for the value thereof. Any of the persons mentioned in section eleven hundred and eighty-three, except the contractor, may at any time give to the reputed owner a written notice that they have performed labor or furnished materials, or both, to the contractor, or other person acting by authority of the reputed owner, or that they have agreed to do so, stating in general terms the kind of labor and materials, and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both. Such notice may be given by delivering the same to the reputed owner personally, or by leaving it at his residence or place of business, with some person in charge, or by delivering it to his architect or by leaving it at his residence or place of business, with some person in charge, or by posting it in a conspicuous place upon the mining claim or improvement. No such notice shall be invalid by reason of any defect of form, provided it is sufficient to inform the reputed owner of the substantial matters herein provided for, or to put him upon inquiry as to such matters. Upon such notice being given, it is the duty of the person who contracted with the contractor to, and he shall, withhold from his contractor, or from any other person acting under such reputed owner, and to whom by said notice the said labor or materials, or both, have been furnished, or agreed to be furnished, sufficient money, due, or that may become due to such contractor, or other person, to answer such claim and any lien that may be filed therefor for record under this chapter, including counsel fees, not exceeding one hundred dollars in each case, besides reasonable costs provided for in this chapter.

SEC. 266. Section eleven hundred and ninety-one of said code is hereby amended to read as follows:

Section 1191. Any person who, at the request of the owner of any lot in any incorporated city or town, grades, fills in, or otherwise improves the same, or the street or sidewalk in front of or adjoining the same, or constructs any area, vault, cellar, or room, under said sidewalk, or makes any improvements in connection therewith, has a lien upon such lot for his work done and materials furnished, notice of which containing the statements provided for in section eleven hundred and eighty-seven must be filed, as therein specified, within thirty days after the completion of such work.

SEC. 267. Section eleven hundred and ninety-six of said code is hereby repealed.

SEC. 268. Section twelve hundred and three of said code is hereby amended to read as follows:

Section 1203. Every contract required to be filed under the provisions of this chapter must be accompanied by a good and sufficient bond in an amount equal to at least twenty-five per cent of the contract price, conditioned for the faithful performance of the contract by the contractor, and for the payment by him to all persons who perform labor for or furnish materials to him, or to any subcontractor, which said bond must be filed at the same time and in the same manner as herein provided for the filing of such contract or memorandum thereof. Said bond must be executed by the contractor with at least two sureties, and must, by its terms, be made to inure to the benefit of any and all persons who perform labor for or furnish materials to the contractor, or any person acting for him or by his authority; and any such person shall have an action to recover upon said bond, against the principal and sureties, or either of them, for the value of such labor or materials, or both, not exceeding the amount of the bond; but such action does not affect his lien, nor any action to foreclose the same, except that there shall be but one satisfaction of his claim, with costs and counsel fees. Any failure to comply with the provisions of this section renders the owner and contractor jointly and severally liable in damages to any and all materialmen, laborers, and subcontractors entitled to liens upon the property affected by said contract.

SEC. 269. Section twelve hundred and four of said code is hereby amended to read as follows:

Section 1204. When any assignment, whether voluntary or involuntary, is made for the benefit of the creditors of the assignor, or results from any proceeding in insolvency commenced against him, the wages and salaries of miners, mechanics, salesmen, servants, clerks, laborers, and other persons, for services rendered for him within sixty days prior to such assignment, or to the commencement of such proceeding, and not exceeding one hundred dollars each, constitute preferred claims, and must be paid by the trustee or assignee before the claim of any other creditor of the assignor or insolvent.

SEC. 270. Section twelve hundred and five of said code is hereby amended to read as follows:

Section 1205. Upon the death of any employer, the wages, not exceeding one hundred dollars in amount, of each miner, mechanic, salesman, clerk, servant, laborer, or other employé, for work done or services rendered within sixty days prior to such death,

must be paid before any other claim against the estate of such employer, except his funeral expenses, and expenses of the last sickness, the allowance to the widow and infant children, and the charges and expenses of administration.

SEC. 271. Section twelve hundred and six of said code is hereby amended to read as follows:

Section 1206. Upon the levy of any attachment or execution, not founded upon a claim for labor, any miner, mechanic, salesman, servant, clerk, laborer, or other person who has performed work or rendered services for the defendant within sixty days prior to the levy, may file a verified statement of his claim therefor with the officer executing the writ, and give copies thereof to the debtor and the creditor, and such claim, not exceeding one hundred dollars, unless disputed, must be paid by such officer from the proceeds of such levy remaining in his hands at the filing of such statement. If any claim is disputed, within the time, and in the manner prescribed in section twelve hundred and seven, the claimant must within ten days thereafter commence an action for the recovery of his demand, which action must be prosecuted with due diligence, or his claim to priority of payment is forever barred. The officer must retain in his possession until the determination of such action so much of the proceeds of the writ as may be necessary to satisfy the claim, and if the claimant recovers judgment, the officer must pay the same, including the costs of suit, from such proceeds.

SEC. 272. Section twelve hundred and seven of said code is hereby amended to read as follows:

Section 1207. Within five days after receiving a copy of the statement provided for in the preceding section, either the debtor or the creditor may file with the officer a verified statement denying that any part of such claim is due for services rendered within sixty days next preceding the levy of the writ, or denying that any part of such claim, beyond a sum specified, is so due. If a part of the claim is admitted to be due, and the claimant nevertheless brings suit and does not recover more than the amount so admitted, he cannot recover costs, but the costs must be adjudged against him, and the amount thereof deducted from the sum found due him.

SEC. 273. A new section is hereby added to said code, to be numbered twelve hundred and eight, and to read as follows:

Section 1208. If the claims presented under section twelve hundred and six and not disputed, or, if disputed, established by judgment, exceed the proceeds of the writ not disposed of before their presentation, such proceeds must be distributed among the claimants in proportion to the amount of their respective claims.

SEC. 274. Section twelve hundred and nine of said code is hereby amended to read as follows:

Section 1209. The following acts or omissions in respect to a court of justice, or proceedings therein, are contempt of the authority of the court:

1. Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to interrupt the due course of a trial or other judicial proceeding;
2. A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the due course of a trial or other judicial proceeding;
3. Misbehavior in office, or other willful neglect or violation of duty by an attorney, counsel, clerk, sheriff, coroner, or other person, appointed or elected to perform a judicial or ministerial service;
4. Abuse of the process or proceedings of the court, or falsely pretending to act under authority of an order or process of the court;
5. Disobedience of any lawful judgment, order, or process of the court;
6. Assuming to be an officer, attorney, or counselor of a court, and acting as such, without authority;
7. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;
8. Unlawfully detaining a witness, or party to an action, while going to, remaining at or returning from the court where the action is on the calendar for trial;
9. Any other unlawful interference with the process or proceedings of a court;
10. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness;
11. When summoned as a juror in a court, neglecting to attend or serve as such, or improperly conversing with a party to an action, to be tried at such court, or with any other person, in relation to the merits of such action, or receiving a communication from a party or other person in respect to it, without immediately disclosing the same to the court;
12. Disobedience by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior tribunal, magistrate, or officer.

SEC. 275. Section twelve hundred and ten of said code is hereby amended to read as follows:

Section 1210. Every person dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, who, not having right so to do, re-enters into or upon or takes possession of any such real property, or induces or procures any person not having right so to do, or aids or abets him therein, is guilty of a contempt of the court by which such judgment was rendered or from which such process issued. Upon a conviction for such contempt the court must immediately issue

an alias process, directed to the proper officer, and requiring him to restore such possession to the party entitled under the original judgment or process, or to his lessee, grantee, or successor in interest, and no appeal from the order directing the issuance of an alias writ of possession stays the execution thereof, unless a written undertaking is executed on the part of the appellant, with two or more sureties, to the effect that he will not commit or suffer to be committed any waste thereon, and if the order is affirmed, or the appeal dismissed, he will pay the value of the use and occupation of the property from the time of his unlawful re-entry until the delivery of the possession thereof, pursuant to the judgment or order, not exceeding a sum to be fixed by the judge of the court by which the order for the alias writ was made, and which must be specified in the undertaking.

SEC. 276. Section twelve hundred and seventeen of said code is hereby amended to read as follows:

Section 1217. When the person arrested has been brought up or appeared, the court must proceed to investigate the charge, and must hear any answer which the person arrested may make to the same, and may examine witnesses for or against him, for which an adjournment may be had from time to time, if necessary. If the contempt charged was not committed in the immediate view and presence of the court, and consists in disorderly, contemptuous, or insolent behavior toward the judge, or in a speech or publication reflecting upon or concerning the judge, the judge toward whom such behavior was directed, or upon or concerning whom such reflection was made, is disqualified to conduct such investigation.

SEC. 277. Section twelve hundred and eighteen of said code is hereby amended to read as follows:

Section 1218. Upon the answer and evidence taken the court must determine whether the person proceeded against is guilty of the contempt charged, and if it is adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five hundred dollars, or he may be imprisoned not exceeding five days, or both. If the contempt consists in disobedience of a lawful judgment, order, or process of the court, or an unlawful interference with the process of the court, whereby any party to the action or proceeding has suffered damage, the person found guilty thereof must also be adjudged to pay to the party so aggrieved the full amount of such damage and the costs of the proceeding, and be imprisoned until he make such payment.

SEC. 278. Section twelve hundred and twenty-eight of said code is hereby amended to read as follows:

Section 1228. The application must be in writing, and must set forth:

1. That at a meeting of the stockholders or members called for that purpose, the dissolution of the corporation was resolved upon by a vote of two thirds of the members or of the holders of two thirds of the subscribed capital stock;

2. That all claims and demands against the corporation have been satisfied and discharged.

SEC. 279. Section twelve hundred and thirty of said code is hereby amended to read as follows:

Section 1230. Upon the filing of the application, the clerk must give notice of the same for such time as the court may order, but not less than thirty nor more than fifty days, by publication in some newspaper published in the county; and if there is none such, then by notices posted in three of the principal public places in the county.

SEC. 280. Section twelve hundred and thirty-four of said code is hereby amended to read as follows:

Section 1234. If the applicant is a savings and loan association, or engaged in the business of receiving money on deposit, and there is any unclaimed deposit or dividend in its hands belonging to a person whose whereabouts are unknown to the trustees, directors, or other officers presenting the application, the application must set forth the name of the person making such deposit, or entitled to such dividend, the time when such deposit was made or dividend declared, the residence, if known, of such person at the time of such deposit, the amount of such deposit or dividend, and the fact that the whereabouts of such person are unknown. The same facts must be stated in the notice of the application given by the clerk. If, at any time before the expiration of the time of publication, any person files a claim to such deposit or dividend, the court must, at the hearing and upon five days' notice to him, hear and determine his claim, and, if such claim is established, order such money to be paid to him. All such deposits or dividends not so claimed, or as to which no claim shall be established, must, upon order of the court, be paid into the state treasury, accompanied with a copy of the order, which must set forth the facts hereinbefore required to be stated concerning such deposits or dividends; and, upon production of the treasurer's receipt for such payment, the court may proceed to declare the corporation dissolved as in other cases. All unclaimed deposits and dividends so paid into the state treasury must be received, invested, accounted for, and paid out, in the same manner and by the same officers as is provided by law in the case of escheated estates, and in section twelve hundred and seventy-two.

SEC. 281. Section twelve hundred and fifty-five of said code is hereby amended to read as follows:

Section 1255. If the plaintiff, in his complaint, or by notice served and filed at least ten days before the trial, offers to permit judgment to be taken against him and in favor

of any defendant for a sum specified, and the verdict is not for any greater sum, such defendant must not be allowed any costs incurred after the making of such offer, and the plaintiff may recover from such defendant such of his costs incurred after the making of the offer, as the court, in its discretion, deems just. Otherwise no costs must be allowed against any defendant, and every defendant to whom damages are awarded shall recover his costs, which must be deemed to be a part of the assessment in his favor.

SEC. 282. Section twelve hundred and fifty-seven of said code is hereby amended to read as follows:

Section 1257. The provisions of part two of this code relative to new trials and appeals apply to the proceedings mentioned in this title, except in so far as they are inconsistent therewith. Upon the payment of the sum of money assessed, and the execution of the bond to build the fences and cattle-guards, as provided in section twelve hundred and fifty-one, the plaintiff is entitled to take and hold possession of the property sought to be condemned, and to improve and devote it to the public use in question. Neither a motion for a new trial, nor an appeal, shall, after such payment and the filing of such bond, in any manner retard the contemplated use and improvement. Any money deposited, as provided in section twelve hundred and fifty-four, must be applied to the payment of the sum assessed, and the balance, if any, returned to the plaintiff.

SEC. 283. Section twelve hundred and sixty-nine of said code is hereby amended to read as follows:

Section 1269. When the attorney-general is informed that any estate has escheated to this state, he must file an information, in behalf of the state, in the superior court of the county in which said estate, or any part thereof, is situate, setting forth a description of the estate, the name of the person last possessed thereof, and the person claiming the estate, if known, and the facts and circumstances in consequence of which the estate is claimed to have escheated, with an allegation that, by reason thereof, the State of California has right by law to such estate. Upon such information, a summons must issue to said claimant and possessor, requiring them to appear and answer the information within the time allowed by law in civil actions; and the court must make an order setting forth briefly the contents of the information, and requiring all persons interested in the estate to appear and show cause, if any they have, within forty days from the date of the order, why such estate should not vest in this state; which order must, prior to the expiration of such time, be published for at least one month, in a newspaper published in the county, if one is published therein, and in case no newspaper is published in the county, in some other newspaper in this state.

SEC. 284. Section twelve hundred and seventy of said code is hereby amended to read as follows:

Section 1270. The court, upon the information being filed, and upon application of the attorney-general, either before or after answer, upon notice to the party claiming the estate, if known, may upon sufficient cause therefor being shown, appoint a receiver to take charge of such estate, or any part thereof, or to receive the rents, income, and profits of the same until the title of such estate is finally settled.

SEC. 285. Section twelve hundred and seventy-one of said code is hereby amended to read as follows:

Section 1271. All persons named in the information may appear and answer, and traverse or deny the facts stated therein at any time before the time for answering expires, and any other person claiming an interest in such estate may appear and be made a defendant, by motion for that purpose in open court within the time allowed for answering, and if no such person appears and answers within the time, then judgment must be rendered that the state is the owner of the property in such information claimed. But if any person appears or denies the title set up by the state, or traverses any material fact set forth in the information, the issue of fact must be tried as issues of fact are tried in civil actions. If, after the issues are tried, it appears from the facts found or admitted that the state has good title to the property in the information mentioned, or any part thereof, judgment must be rendered that the state is the owner and entitled to the possession thereof, and that it recover costs of suit against the defendants who have appeared and answered. In any judgment rendered, or that has heretofore been rendered by any court, escheating property to the state, on motion of the attorney-general, the court must make an order that such property, unless it consists of money, be sold by the sheriff of the county, where it is situate, at public sale, for gold coin, after giving notice of the time and place of sale, as may be prescribed by the court in such order; that the sheriff, within five days after such sale, make a report thereof to the court, and upon the hearing of such report, the court may examine the report and witnesses in relation thereto, and if the proceedings were unfair, or if the sum bid is disproportionate to the value, or if it appears that a sum exceeding said bid, exclusive of the expense of a new sale may be obtained, the court may vacate the sale, and direct another to be had, of which notice must be given, and the sale in all respects conducted as if no previous sale had taken place. If an offer greater in amount than that named in the report is made to the court in writing, by a responsible person, the court may, in its discretion, accept such offer and confirm the sale to such person, or order a new sale. If it appears to the court that the sale was legally made, and fairly conducted, and that the sum bid is not disproportionate to the value of the property sold, and that a sum exceeding such bid, exclusive of the expense of a new sale, cannot be obtained, or if the increased bid above mentioned is made and accepted by the court, the court must make an order confirming the sale, and directing the sheriff, in the name of the state, to execute to the

purchaser or purchasers a conveyance of said property sold; and said conveyance vests in the purchaser or purchasers all the right and title of the state therein, and the sheriff must, out of the proceeds of such sale, pay the cost of said proceedings incurred on behalf of the state, including the expenses of making such sale, and also an attorney's fee, if additional counsel was employed in said proceedings, to be fixed by the court, not exceeding ten per cent on the amount of such sale, and the residue thereof must be paid by said sheriff into the state treasury.

Sec. 286. Section twelve hundred and seventy-two of said code is hereby amended to read as follows:

Section 1272. Within twenty years after judgment in any proceeding had under this title, a person not a party or privy to such proceeding may file a petition in the superior court of the county of Sacramento, showing his claim or right to the property, or the proceeds thereof. A copy of such petition must be served on the attorney-general at least twenty days before the hearing of the petition, who must answer the same; and the court thereupon must try the issue as issues are tried in civil actions, and if it is determined that such person is entitled to the property, or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him, or if it has been sold and the proceeds paid into the state treasury, then it must order the controller to draw his warrant on the treasury for the payment of the same, but without interest or cost to the state, a copy of which order, under the seal of the court, shall be a sufficient voucher for drawing such warrant. All persons who fail to appear and file their petitions within the time limited are forever barred; saving, however, to infants, and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or within five years after their respective disabilities cease.

Sec. 287. Section twelve hundred and seventy-six of said code is hereby amended to read as follows:

Section 1276. All applications for change of names must be made to the superior court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; and if such person is under twenty-one years of age, if a male, and under the age of eighteen years, if a female, by one of the parents, if living, or if both are dead, then by the guardian; and if there is no guardian, then by some near relative or friend. The petitioner must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name; and must, if the father of such person is not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence. Any religious, benevolent, literary, scientific, or other corporation, or any corporation bearing or having for its name, or using or being known by the name of, any benevolent or charitable order or society, may, by petition, apply to the superior court of the county in which its articles of incorporation were originally filed, or in which the property of such corporation is situated, for a change of its corporate name. Such petition must be signed by a majority of the directors or trustees of the corporation, and must specify the date of the formation of the corporation, its present name, the name proposed, and the reason for such change of name. Upon filing such petition on behalf of such corporation, the same proceedings may be had as upon applications for changes of names of natural persons.

Sec. 288. Section twelve hundred and seventy-seven of said code is hereby amended to read as follows:

Section 1277. A copy of such petition must be published for four successive weeks, in some newspaper printed in the county, if a newspaper is printed therein, but if no newspaper is printed in the county, a copy of such petition must be posted at three of the most public places in the county for a like period, and proof must be made of such publication or posting before the petition can be considered.

Sec. 289. Section thirteen hundred of said code is hereby amended to read as follows:

Section 1300. A petition for the probate of a will must show:

1. The jurisdictional facts;
2. Whether the person named as executor consents to act, or renounces his right to letters testamentary;
3. The names and residences of the heirs, devisees, and legatees of the decedent, so far as known to the petitioner, and whether any of them are minors, and if so who;
4. The probable value and character of the property of the estate;
5. The name of the person for whom letters testamentary are prayed.

No defect of form, or in the statement of jurisdictional facts actually existing, shall make void the probate of a will.

Sec. 290. Section thirteen hundred and four of said code is hereby amended to read as follows:

Section 1304. A copy of the notice of the time appointed for the probate of the will must be addressed to the person named as executor, if he is not the petitioner, also to any person named as co-executor not petitioning, at their places of residence, if known to the petitioner, and deposited in the postoffice, with the postage thereon prepaid, at least ten days before the hearing. Proof of mailing the copies of the notice must be made at the hearing. Personal service of copies of the notice at least ten days before the day of hearing is equivalent to mailing.

Sec. 291. Section thirteen hundred and six of said code is hereby amended to read as follows:

Section 1306. At the time appointed for the hearing, or the time to which the hearing may have been postponed, the court, unless the parties appear, must require proof that

the notice has been given, which being made, the court must hear testimony in proof of the will, unless some person interested has appeared to contest the will.

SEC. 292. Section thirteen hundred and seven of said code is hereby amended to read as follows:

Section 1307. If no person appears to contest the probate of a will, the court may admit it to probate on the testimony of one of the subscribing witnesses only, if he testifies that the will was executed in all particulars as required by law, and that the testator was of sound mind at the time of its execution. If it appears at the time fixed for the hearing that none of the subscribing witnesses resides in the county, but that the deposition of one of them can be taken elsewhere, the court must direct it to be taken, and may authorize a photographic copy of the will to be made and to be presented to such witness on his examination, who may be asked the same questions with respect to it and the handwriting of himself, the testator, and the other witness, as would be pertinent and competent if the original will were present. If neither the attendance in court nor the deposition of any of the subscribing witnesses can be procured, the court may admit the testimony of any other witness, as provided in section thirteen hundred and seventeen.

SEC. 293. Section thirteen hundred and eight of said code is hereby amended to read as follows:

Section 1308. The testimony of each witness, reduced to writing, and signed by him, is good evidence in any subsequent contest, if the witness is dead, or has permanently removed from this state.

SEC. 294. A new section is hereby added to said code, to be numbered thirteen hundred and ten, and to read as follows:

Section 1310. If the court is satisfied, upon the proof taken, that the will was duly executed, and that the testator at the time of its execution was of sound and disposing mind, and not acting under duress, menace, fraud, or undue influence, a certificate of the proof and the facts found, signed by the judge and attested by the seal of the court, must be attached to the will.

SEC. 295. A new section is hereby added to said code, to be numbered thirteen hundred and eleven, and to read as follows:

Section 1311. The will, and a certificate of the proof thereof, must be filed and recorded by the clerk, and the same, when so filed and recorded, constitutes part of the record in the cause or proceeding. All testimony must be filed by the clerk.

SEC. 296. Section thirteen hundred and twelve of said code is hereby repealed.

SEC. 297. Section thirteen hundred and thirteen of said code is hereby repealed.

SEC. 298. Section thirteen hundred and fourteen of said code is hereby amended to read as follows:

Section 1314. At the time appointed for the hearing, or at the time to which the hearing may have been postponed, any person interested may appear and contest the will. If any such contestant is a minor, he may contest the will through his guardian. Written grounds of opposition to the probate of the will must be filed, and a copy thereof must be served on the petitioner. Upon the filing of the opposition, a citation must be issued, upon the order of the court, to the executors named in the will, to all the devisees and legatees mentioned in the will, to all the heirs of the decedent so far as known, and generally to all persons unknown who have or claim any interest in the estate, which citation must require them to appear before the court, on some day therein specified, to answer the opposition. The day so specified must be not less than eighty nor more than ninety days from the issuing of the citation. The citation must be published for two months in some newspaper published in the county, to be designated by the court, and must be personally served upon each of the persons named therein who can be found within the state, at least thirty days before the return day thereof. The opposition must be accompanied by the affidavit of the contestant, setting forth the name and place of residence of each of the heirs, devisees, and legatees, so far as known to him, and so far as he can ascertain by diligent inquiry. If the residence of any such person is without the state, a copy of the citation must, at or before the date of its first publication, be mailed to such person at his postoffice address, if known. The first publication of the citation must be within seven days from the date of its issuance. On the day designated in the citation, or within such further time, not exceeding ten days, as may be granted by the court, the petitioner, or any person interested in the estate or in the will, may answer such opposition, or may demur thereto upon any of the grounds of demurrer provided for in chapter three of title six of part two of this code. If the demurrer is sustained, the court must allow the contestant a reasonable time, not exceeding ten days, within which to amend his opposition. If the demurrer is overruled, the petitioner and others interested may jointly or separately answer the contestant's grounds, traversing or otherwise obviating or avoiding the objections. Any issues of fact thus raised, involving:

1. The competency of the decedent to make a last will and testament;
 2. The freedom of the decedent at the time of the execution of the will from duress, menace, fraud, or undue influence;
 3. The due execution and attestation of the will by the decedent or subscribing witnesses; or,
 4. Any other questions substantially affecting the validity of the will;
- Must, on request of either party in writing, filed three days prior to the day set for the hearing, be tried by a jury. If no jury is demanded, as above provided, the court must try and determine the issues joined. On the trial the contestant is plaintiff, and

the petitioner and all other persons interested in the estate or in the will are defendants; and the judgment upon such contest is conclusive upon all persons in any manner interested in the estate or in the will.

If more than one person appear as contestants, they shall be deemed co-plaintiffs, and such contests must be tried together as one contest. No contest can be dismissed until after the return day, nor then, except upon the consent of all parties who have appeared. A dismissal has the same effect as a final judgment against the contestants. A person is not interested within the meaning of this section unless the probate of the will would injuriously affect him in his property rights.

SEC. 299. Section thirteen hundred and fifteen of said code is hereby amended to read as follows:

Section 1315. When a jury is demanded, the superior court must impanel a jury to try the case in the manner provided for impaneling trial juries in civil cases; and the trial must be conducted in accordance with the provisions of part two, title eight, chapter four, of this code. A trial by the court must be conducted as provided in part two, title eight, chapter five, of this code.

SEC. 300. Section thirteen hundred and sixteen of said code is hereby amended to read as follows:

Section 1316. The jury, after hearing the case, must return a special verdict upon the issues submitted to them by the court, upon which the judgment of the court must be rendered, either admitting the will to probate or rejecting it. In either case, the proofs of the subscribing witnesses must be reduced to writing. If the will is admitted to probate, the judgment, will, and proofs must be recorded.

SEC. 301. Section thirteen hundred and seventeen of said code is hereby amended to read as follows:

Section 1317. If the will is contested, all the subscribing witnesses who are present in the county, and who are of sound mind, must be produced and examined, and the death, absence, or insanity of any of them must be satisfactorily shown to the court. If none of the subscribing witnesses reside in the county at the time appointed for proving the will, or if any subscribing witness is incompetent, or is unable to recollect the facts as to the sanity of the testator or the execution of the will, the court may admit the testimony of other witnesses to prove the sanity of the testator and the execution of the will; and as evidence of the execution it may admit proof of the handwriting of the testator and of the subscribing witnesses, or any of them. The court may also authorize the taking of the deposition of a subscribing witness, and the making of a photographic copy of the will, as provided in section thirteen hundred and seven.

SEC. 302. Section thirteen hundred and eighteen of said code is hereby amended to read as follows:

Section 1318. If it appears from the verdict of the jury, or the decision of the court, that the will was duly executed, and that the testator at the time of its execution was of sound and disposing mind and not acting under duress, menace, fraud, or undue influence, a certificate of the proof and the facts found, signed by the judge and attested by the seal of the court, must be attached to the will.

SEC. 303. Section thirteen hundred and twenty-three of said code is hereby amended to read as follows:

Section 1323. When a copy of the will, and the probate thereof, duly authenticated, shall be produced by the executor, or by any other person interested in the will, with a petition for letters, the same must be filed, and the clerk of the court must appoint a time for the hearing; notice whereof must be given as hereinbefore provided for an original petition for the probate of a will.

SEC. 304. Section thirteen hundred and twenty-seven of said code is hereby amended to read as follows:

Section 1327. When a will has been admitted to probate, without the filing of any contest, any person interested, as provided in section thirteen hundred and fourteen, may, at any time within one year after such probate, contest the same or the validity of the will. For that purpose he must file in the court in which the will was proved, a petition in writing, containing his allegations against the validity of the will, or against the sufficiency of the proof, and praying that the probate may be revoked.

SEC. 305. Section thirteen hundred and twenty-eight of said code is hereby amended to read as follows:

Section 1328. Upon filing the petition, and within one year after such probate, a citation must be issued to the executor of the will, or to the administrator, with the will annexed, and to all the legatees and devisees mentioned in the will, or to their personal representatives, if any of them are dead, requiring them to appear before the court on some day therein specified, to show cause why the probate of the will should not be revoked. The citation may be served by publication in the cases and in the manner provided in sections four hundred and twelve and four hundred and thirteen. If, at the time such publication is ordered, the day specified in the citation has passed, or must pass before such publication can be completed, the court must make an order continuing the hearing to some later day, and a copy of such order must be published with the citation.

SEC. 306. Section thirteen hundred and twenty-nine of said code is hereby amended to read as follows:

Section 1329. At the time appointed for showing cause, or at any time to which the hearing is postponed, proof having been made of service of the citation upon all of the

persons named therein, the court must proceed to try the issues of fact joined in the same manner as an original contest of a will.

SEC. 307. Section thirteen hundred and thirty of said code is hereby amended to read as follows:

Section 1330. On written demand of either party, filed three days prior to the hearing, a trial by jury must be had as in cases of the contest of an original petition to admit a will to probate. If, upon hearing the proofs of the parties, the jury finds, or if no jury is had, the court decides, that the will is for any reason invalid, or that it is not sufficiently proved to be the last will of the testator, the probate must be annulled and revoked.

SEC. 308. Section thirteen hundred and thirty-nine of said code is hereby amended to read as follows:

Section 1339. No will must be proved as a lost or destroyed will, unless the same is proved to have been in existence at the time of the death of the testator, or is shown to have been fraudulently destroyed in the lifetime of the testator, or to have been destroyed by him when he was not of sound and disposing mind, nor unless its provisions are clearly and distinctly proved by at least two credible witnesses.

SEC. 309. Section thirteen hundred and forty-nine of said code is hereby amended to read as follows:

Section 1349. The court admitting a will to probate, after the same is proved and allowed, must issue letters thereon to the persons named therein as executors who are competent to discharge the trust, unless they or either of them have renounced their right to letters and if no objection is made as provided in section thirteen hundred and fifty-one. In the order, the court must ascertain and determine the value of the property of the estate, which determination is conclusive for the purpose of giving notice to creditors, but for no other purpose.

SEC. 310. Section thirteen hundred and fifty of said code is hereby amended to read as follows:

Section 1350. No person is competent to serve as executor who, at the time the will is admitted to probate, is:

1. Under the age of majority;
2. Convicted of an infamous crime;
3. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

SEC. 311. Section thirteen hundred and fifty-one of said code is hereby amended to read as follows:

Section 1351. Any person interested in the estate or will may file objections in writing to granting letters testamentary to the persons named as executors or any of them, and the objections must be heard and determined by the court; a petition may, at the same time, be filed for letters of administration with the will annexed.

SEC. 312. Section thirteen hundred and fifty-six of said code is hereby amended to read as follows:

Section 1356. If no executor is named in the will, or if the sole executor or all the executors therein named are dead or incompetent, or renounce or fail to apply for letters, or to appear and qualify, letters of administration with the will annexed must be issued to the surviving wife or some competent person whom she may request to have appointed, or if there is no surviving wife, or if she makes no application or request, then to one or more of the legatees or devisees named in the will, or to some competent person whom he or they may request to have appointed, preference being given as between them in the order specified in section thirteen hundred and sixty-five. Administrators with the will annexed have the same authority over the estates which executors named in the will would have, and their acts are as effectual for all purposes.

SEC. 313. Section thirteen hundred and sixty-five of said code is hereby amended to read as follows:

Section 1365. Except as is by this code otherwise provided, administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, or some competent person whom he or they may request to have appointed, the relatives of the deceased being entitled to administer only when they are entitled to succeed to his personal estate, or some portion thereof; and they are, respectively, entitled thereto in the following order:

1. The surviving husband or wife;
2. The children;
3. The father or mother;
4. The brothers;
5. The sisters;
6. The grandchildren.
7. The next of kin entitled to share in the distribution of the estate;
8. The public administrator;
9. The creditors;
10. Any person legally competent.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate.

SEC. 314. Section thirteen hundred and sixty-six of said code is hereby amended to read as follows:

Section 1366. Of several persons claiming and equally entitled to administer, males must be preferred to females, and relatives of the whole to those of the half blood, and

when there is no such preference the court may grant letters to one or more of such persons.

SEC. 315. Section thirteen hundred and sixty-seven of said code is hereby amended to read as follows:

Section 1367. Administration may be granted to one or more competent persons, although not otherwise entitled to the same, at the written request of the person entitled, or of a person who would be entitled if a resident of the state, filed in the court. When the person making such request is a nonresident of the state, affidavits, taken ex parte before any officer authorized by the laws of this state to take acknowledgments and administer oaths out of this state, may be received as prima facie evidence of the identity of the party, if free from suspicion, and the fact is established to the satisfaction of the court.

SEC. 316. Section thirteen hundred and sixty-eight of said code is hereby amended to read as follows:

Section 1368. If the person entitled to administration is a minor or an incompetent person, letters must be granted to his or her guardian, if such guardian is competent and applies for letters.

SEC. 317. Section thirteen hundred and seventy-one of said code is hereby amended to read as follows:

Section 1371. Petitions for letters of administration must be in writing, signed by the applicant or his counsel, and filed with the clerk of the court, stating the facts essential to give the court jurisdiction of the case, and when known to the applicant, he must state the names, ages, and residences of the heirs of the decedent, and the value and character of the property. If the jurisdictional facts exist, but are not fully set forth in the petition, the decree or order of administration and subsequent proceedings are not void on account of such want of jurisdictional averments.

SEC. 318. Section thirteen hundred and seventy-five of said code is hereby amended to read as follows:

Section 1375. On the hearing, it being first proved that notice has been given as herein required, the court must hear the allegations and proofs of the parties, and order the issuing of letters of administration to the party best entitled thereto. In the order the court must ascertain and determine the value of the property of the estate, which determination is conclusive for the purpose of giving notice to creditors, but for no other purpose.

SEC. 319. Section thirteen hundred and seventy-nine of said code is hereby repealed.

SEC. 320. Section thirteen hundred and eighty-three of said code is hereby amended to read as follows:

Section 1383. When letters of administration have been granted to any other person than the surviving husband or wife, child, father, mother, brother, or sister of the intestate, any one of them who is competent, or any competent person at the written request of any one of them, whether the person so requesting is a resident or non-resident of the state, may obtain the revocation of the letters, and be entitled to the administration, by presenting to the court a petition praying the revocation, and that letters of administration may be issued to him.

SEC. 321. Section thirteen hundred and ninety-nine of said code is hereby amended to read as follows:

Section 1399. On the return of the citation, or at such other time as the judge may appoint, he must proceed to hear the proofs and allegations of the parties. If it satisfactorily appears that the security is from any cause insufficient, he must make an order requiring the executor or administrator to file a new bond in the usual form and penalty, within a reasonable time, not less than five days.

SEC. 322. Section fourteen hundred and four of said code is hereby amended to read as follows:

Section 1404. If a new bond is given, with sureties to the satisfaction of the judge, he must thereupon make an order that the surety who applied for relief shall not be liable on the bond for any subsequent act, default, or misconduct of the executor or administrator.

SEC. 323. Section fourteen hundred and five of said code is hereby amended to read as follows:

Section 1405. If the executor or administrator neglects or refuses to give a new bond, with sureties to the satisfaction of the judge, on the return of the citation, or within such reasonable time as the judge may allow, unless the surety making the application consents to a longer extension of time, the court or judge must, by order, revoke his letters.

SEC. 324. Section fourteen hundred and six of said code is hereby repealed.

SEC. 325. Section fourteen hundred and twelve of said code is hereby amended to read as follows:

Section 1412. The appointment may be made at any time, and without notice, and must be made by entry upon the minutes of the court. Upon such order being entered, and after the person appointed has given bond, the clerk must issue letters of administration to such person in conformity with the order.

SEC. 326. Section fourteen hundred and fifteen of said code is hereby amended to read as follows:

Section 1415. The special administrator must collect and preserve for the executor or administrator, all the goods, chattels, debts, and effects of the decedent; all incomes,

rents, issues, and profits, claims, and demands of the estate; must take charge and management of, enter upon and preserve from damage, waste, and injury, the real estate; and for any such and all necessary purposes may commence and maintain or defend suits and other legal proceedings as an administrator; he may sell such perishable property as the court may order to be sold, and exercise such other powers as are conferred upon him from time to time, by the orders of the court, but in no case is he liable to an action by any creditor on a claim against the decedent.

Sec. 327. Section fourteen hundred and seventeen of said code is hereby amended to read as follows:

Section 1417. The special administrator must render an account, on oath, of his proceedings in a like manner as other administrators are required to do. He is entitled to a reasonable compensation for his services, to be fixed by the court at the time of the settlement of his final account, which shall be a debt against the estate, to be paid in the ordinary course of administration.

Sec. 328. Section fourteen hundred and twenty-three of said code is hereby amended to read as follows:

Section 1423. Upon the admission to probate of a will after a grant of letters of administration on the ground of intestacy, or upon the admission to probate of a later will than the one before admitted to probate, the pre-existing grant of letters testamentary or of administration must be revoked, and the administrator or executor whose grant of authority is thus terminated must render an account of his administration within such time as the court may direct.

Sec. 329. Section fourteen hundred and twenty-six of said code is hereby amended to read as follows:

Section 1426. If all such executors or administrators die, resign, or become incompetent, or the authority of all of them is revoked, the court must issue letters of administration, with the will annexed or otherwise, in the same order and manner as is directed in relation to original letters of administration, and, in case of a will, as provided in section thirteen hundred and fifty-six. The administrator so appointed must give bond in the like penalty, with like sureties and conditions, as hereinbefore required of administrators, and has the like power and authority.

Sec. 330. Section fourteen hundred and thirty-one of said code is hereby amended to read as follows:

Section 1431. When a petition is filed in the superior court, praying for admission to probate of a will, or for granting letters testamentary or of administration, or when proceedings are pending in the superior court for the settlement of an estate, and there is no judge of said court qualified to act, an order must be made transferring the proceedings to the superior court of an adjoining county; and the clerk of the court ordering the transfer must transmit to the clerk of the court to which the proceedings are ordered to be transferred a certified copy of the order and all papers on file in his office in the proceedings; and thereafter the court to which the proceedings are transferred shall exercise the same authority and jurisdiction over the estate, and all matters relating to the administration thereof, as if it had original jurisdiction of the estate; *provided*, there shall not be any necessity for transferring such proceedings, or any of them, when a judge of some other county qualified to act attends at the request of the judge of the county where such proceedings are pending, to hold court, to conduct and to try such proceedings; and such judge, when so called upon to preside, shall exercise the same jurisdiction over any proceeding in the estate as is exercised in other cases under like circumstances.

Sec. 331. Section fourteen hundred and thirty-two of said code is hereby amended to read as follows:

Section 1432. The transfer of a proceeding from one court to another, as provided for in the preceding section, does not affect the right of any person to letters testamentary or of administration on the estate transferred, but the same persons are entitled to letters testamentary or of administration on the estate, in the order hereinbefore provided. If, before the administration is closed of any estate so transferred as herein provided, another person is elected or appointed, and qualified as judge of the court wherein such proceeding was originally commenced, who is not disqualified to act in the settlement of the estate, and the causes for which the proceeding was transferred no longer exist, any person interested in the estate may have the proceeding returned to the court from which it was originally transferred, by filing a petition setting forth these facts, and moving the court therefor.

Sec. 332. Section fourteen hundred and thirty-six of said code is hereby amended to read as follows:

Section 1436. Whenever a judge of a superior court has reason to believe, from his own knowledge, or from credible information, that any executor or administrator has wasted, embezzled, or mismanaged, or is about to waste or embezzle the property of the estate committed to his charge, or has committed or is about to commit a fraud upon the estate, or is incompetent to act, or has permanently removed from the state, or has wrongfully neglected the estate, or has long neglected to perform any act as such executor or administrator, he must, by an order entered upon the minutes of the court, direct such executor or administrator to be cited to appear and show cause why his letters should not be revoked, and may also suspend the powers of such executor or administrator, until the matter is investigated.

Sec. 333. Section fourteen hundred and thirty-seven of said code is hereby amended to read as follows:

Section 1437. If the executor or administrator fails to appear in obedience to the citation, or, if he appears, and the court is satisfied from the evidence that there exists cause for his removal, his letters must be revoked.

Sec. 334. Section fourteen hundred and forty-three of said code is hereby amended to read as follows:

Section 1443. Every executor or administrator must make and return to the court, within three months after his appointment, a true inventory and appraisement of all the estate of the decedent within this state, including the homestead, if any, which has come to his possession or knowledge. If the decedent requests in his will that no inventory be filed, or that no appraisement be made, the executor or administrator shall not file any inventory or obtain any appraisement, unless the court, upon the application of a creditor or of some person interested, after such notice as the court may direct, and for good cause shown, requires a complete or partial inventory or appraisement.

Sec. 335. Section fourteen hundred and forty-five of said code is hereby amended to read as follows:

Section 1445. Before proceeding to the execution of their duty, the appraisers must take and subscribe an oath, to be attached to the inventory, that they will truly, honestly, and impartially appraise the property exhibited to them, according to the best of their knowledge and ability. They must then proceed to estimate and appraise the property; each item of property must be set down separately, with the value thereof in dollars and cents, in figures, opposite to the items respectively. The inventory must contain all the estate of the decedent, real and personal, a statement of all debts, bonds, mortgages, notes, and other securities for the payment of money belonging to the decedent, specifying the name of the debtor in each debt or security, the date, the sum originally payable, the indorsement thereon (if any), with their dates, and the sum which, in the judgment of the appraisers, may be collected on each debt or security; and a statement of the interest of the decedent in any partnership of which he was a member, to be appraised as a single item. The inventory must also show, so far as the same can be ascertained by the executor or administrator, what portion of the property is community property, and what portion is the separate property of the decedent.

Sec. 336. Section fourteen hundred and forty-seven of said code is hereby amended to read as follows:

Section 1447. The naming of a person as executor does not thereby discharge him from any just claim which the testator has against him, but the claim must be included in the inventory, and the executor is liable for the same, as for so much money in his hands, when the debt or demand becomes due; unless he proves that he had not, either at that time or any time thereafter, any means wherewith to pay such debt or demand, or such part thereof as may remain unpaid, and that such inability did not arise from any fraud committed by him.

Sec. 337. Section fourteen hundred and fifty-two of said code is hereby amended to read as follows:

Section 1452. The executor or administrator is entitled to the possession of all the real and personal estate of the decedent, and to receive the rents and profits of the real estate until the estate is settled, or until delivered over by order of the court to the heirs or devisees; and must keep in good tenable repair all houses, buildings, and fixtures thereon which are under his control. After the expiration of the time for the presentation of claims, he is not entitled to recover the possession of any property of the estate from an heir, devisee, or legatee, or the assignee of an heir, devisee, or legatee, unless he proves that the same is necessary for the payment of debts or legacies, or of expenses of administration already accrued, or for distribution to some other heir, devisee, or legatee entitled thereto.

Sec. 338. A new section is hereby added to said code, to be numbered fourteen hundred and fifty-four, and to read as follows:

Section 1454. The surviving husband or wife of any deceased person, or, if no husband or wife is living, then the children of such decedent, may, without procuring letters of administration, collect of any savings bank, any sum which said deceased may have left on deposit in such bank at the time of his or her death; *provided*, such deposit shall not exceed the sum of five hundred dollars. Any savings bank, upon receiving an affidavit stating that said depositor is dead, and that affiant is the surviving husband or wife, as the case may be, or stating that decedent left no husband or wife, and that affiant is or affiants are the children of said decedent, and that the whole amount that decedent left on deposit in any and all savings banks or banks of deposit in this state does not exceed the sum of five hundred dollars, and that the entire estate, so far as known to said affiants, other than such deposit or deposits, does not exceed the sum of one hundred dollars, may pay to said affiant or affiants any deposit of said decedent, if the same does not exceed the sum of five hundred dollars, and the receipt of such affiant is a sufficient acquittance therefor.

Sec. 339. Section fourteen hundred and fifty-eight of said code is hereby amended to read as follows:

Section 1458. If any person embezzles, conceals, smuggles, or fraudulently disposes of any of the moneys, goods, chattels, or effects of a decedent, he is chargeable therewith and liable to an action by the executor or administrator of the estate for double the value of the property so embezzled, concealed, smuggled, or fraudulently disposed of, to be recovered for the benefit of the estate.

SEC. 340. Section fourteen hundred and fifty-nine of said code is hereby amended to read as follows:

Section 1459. If any executor, administrator, or other person interested in the estate of a decedent, complains to the superior court, or a judge thereof, on oath, that any person is suspected to have concealed, embezzled, smuggled, or fraudulently disposed of any moneys, goods, or chattels of the decedent, or has in his possession or knowledge any deeds, conveyances, bonds, contracts, or other writings, which contain evidences of or tend to disclose the right, title, interest, or claim of the decedent to any real or personal estate, or any claim or demand, or any lost will, the said court or judge may cite such person to appear before such court, and may examine him on oath upon the matter of such complaint. If such person is not in the county where the decedent died, or where letters have been granted, he may be cited and examined either before the superior court of the county where he is found, or before the superior court of the county where the decedent died, or where letters have been granted. But if he appears and is found innocent, his necessary expenses must be allowed him out of the estate.

SEC. 341. Section fourteen hundred and sixty of said code is hereby amended to read as follows:

Section 1460. If the person so cited refuses to appear and submit to an examination, or to answer such interrogatories as may be put to him, touching the matters of the complaint, the court may, by warrant for that purpose, commit him to the county jail, there to remain in close custody until he submits to the order of the court, or is discharged according to law. If, upon such examination, it appears that he has concealed, embezzled, smuggled, or fraudulently disposed of any moneys, goods, or chattels of the decedent, or that he has in his possession or knowledge any deeds, conveyances, bonds, contracts, or other writings containing evidences of or tending to disclose the right, title, interest, or claim of the decedent to any real or personal estate, claim, or demand, or any lost will of the decedent, the court may make an order requiring such person to disclose his knowledge thereof to the executor or administrator, and may commit him to the county jail, there to remain until the order is complied with, or he is discharged according to law; and all such interrogatories and answers must be in writing, signed by the party examined, and filed in the court. In addition to the examination of the party, witnesses may be produced and examined on either side.

SEC. 342. Section fourteen hundred and sixty-four of said code is hereby amended to read as follows:

Section 1464. When a person dies, leaving a surviving spouse and minor children or either, they, until letters are granted and the inventory is returned, are entitled to remain in possession of the homestead, of the wearing apparel of the family, and of all the household furniture of the decedent; and the widow and children, or either, are also entitled to a reasonable provision for their support, to be allowed by the superior court. The surviving husband, in the case mentioned in section one hundred and seventy-six of the Civil Code, may also have such allowance out of the estate of his deceased wife as the court deems proper.

SEC. 343. Section fourteen hundred and sixty-five of said code is hereby amended to read as follows:

Section 1465. Upon the return of the inventory, or at any subsequent time during the administration, the court may, on its own motion, or on petition therefor, set apart for the use of the surviving husband or wife, or in case of his or her death, to the minor children of the decedent, all the property exempt from execution, including the homestead, as hereinafter provided.

SEC. 344. Section fourteen hundred and sixty-six of said code is hereby amended to read as follows:

Section 1466. If the property set apart is insufficient for the support of the widow and children, or either, the court or a judge thereof must make such reasonable allowance out of the estate as shall be necessary for the maintenance of the family, according to their circumstances, during the progress of the settlement of the estate, which, in case of an insolvent estate, must not be longer than one year after granting letters testamentary or of administration.

SEC. 345. Section fourteen hundred and sixty-eight of said code is hereby amended to read as follows:

Section 1468. When property, other than the homestead selected and recorded during the lifetime of the decedent, is set apart to the use of the family, in accordance with the provisions of this chapter, such property, if the decedent left a surviving spouse and no minor child, is the property of such spouse. If the decedent left also a minor child or children, the one half of such property belongs to the surviving spouse, and the remainder to the child, or in equal shares to the children, if there are more than one. If there is no surviving spouse, the whole belongs to the minor child or children. If the property set apart is a homestead, selected from the separate property of the decedent, the court can set it apart only for a limited period, to be designated in the order, and, subject to such homestead right, the property remains subject to administration.

SEC. 346. Section fourteen hundred and seventy of said code is hereby amended to read as follows:

Section 1470. If the widow has an income, derived from her separate property, the court must make to her only such allowance for her maintenance as, together with such income, is reasonable.

SEC. 347. Section fourteen hundred and seventy-four of said code is hereby amended to read as follows:

Section 1474. If the homestead selected and recorded prior to the death of the decedent, is returned in the inventory appraised at not exceeding five thousand dollars in value, the superior court must, by order, set it off to the persons in whom the title to the same is vested under the provisions of the Civil Code.

SEC. 348. Section fourteen hundred and seventy-five of said code is hereby amended to read as follows:

Section 1475. If the homestead so selected and recorded is returned in the inventory appraised at more than five thousand dollars, the appraisers must also determine and report whether the premises can be divided without material injury, and, if they find that they can be thus divided, they must admeasure, and set apart as a homestead, such portion of the premises, including the dwelling house, as amounts in value to the sum of five thousand dollars and make report thereof, giving a full description of the portion so set apart as a homestead.

SEC. 349. Section fourteen hundred and seventy-six of said code is hereby amended to read as follows:

Section 1476. Any two of the appraisers concurring may discharge the duties imposed upon the three, and make the report. A dissenting report may be made by the third appraiser. The report must state fully the acts of the appraisers. Both reports may be heard and considered by the court in determining a confirmation or rejection of the majority report, but the minority report must in no case be confirmed.

SEC. 350. Section fourteen hundred and seventy-seven of said code is hereby amended to read as follows:

Section 1477. When the report of the appraisers is filed, the court must set a day for hearing any objections thereto, from any one interested in the estate. Notice of the hearing must be given for such time, not less than ten days, and in such manner, as the court may direct. If the court is satisfied that the report is correct, it must be confirmed, otherwise rejected. In case the report is rejected, the court must appoint new appraisers to examine and report upon the homestead, and similar proceedings may be had for the confirmation or rejection of their report as upon the first report.

SEC. 351. Section fourteen hundred and seventy-eight of said code is hereby amended to read as follows:

Section 1478. If the court confirms a report of the appraisers, admeasuring and setting apart a portion of the premises as a homestead, the court must, by order, set off, to the persons entitled thereto under the provisions of the Civil Code, the portion of the premises so admeasured and set apart. The remainder of the homestead, as selected and recorded, remains subject to administration, for the purpose of paying the debts of the decedent, and for no other purpose, and shall not be taken for the payment of debts if the other funds of the estate are adequate for that purpose. On distribution of the estate, the same, or so much thereof as shall not have been taken for the payment of debts, must be distributed to the persons entitled to succeed to the homestead under the provisions of the Civil Code. If the court confirms a report of the appraisers finding that the premises exceed in value the sum of five thousand dollars, and that they can not be divided without material injury, the court may thereafter make an order for the sale of the premises and the distribution of the proceeds to the parties entitled thereto. Such order cannot be made unless there are debts of the decedent remaining unpaid, and for the payment of which there is no other sufficient property of the estate. Of the proceeds of any such sale the sum of five thousand dollars must be paid to the persons entitled to succeed to the homestead under the provisions of the Civil Code, and only the remainder of such proceeds is applicable to the payment of debts. So much of the remainder of such proceeds as has not been applied to the payment of debts must, on distribution of the estate, be distributed to the persons entitled to succeed to the homestead under the provisions of the Civil Code.

SEC. 352. A new section is hereby added to said code, to be numbered fourteen hundred and seventy-nine, and to read as follows:

Section 1479. Whenever the homestead, so selected and recorded, is returned in the inventory appraised at more than five thousand dollars, the persons entitled to succeed to the same under the provisions of the Civil Code may, if they so desire, pay to the executor or administrator the excess of value at which the same is appraised over five thousand dollars; and, in that case, the court must, upon such payment, set off the whole of the homestead so selected and recorded to such person.

SEC. 353. A new section is hereby added to said code, to be numbered fourteen hundred and eighty, and to read as follows:

Section 1480. If no homestead has been selected and recorded prior to the death of the decedent, or in case the homestead was selected by the survivor out of the separate property of the decedent, the decedent not having joined therein, the court must set apart and cause to be recorded a homestead of the value of five thousand dollars for the use of the surviving spouse and the minor children, or, if there is no surviving spouse, then for the use of the minor children, or if there is no minor child, then for the surviving spouse, out of the community property, or if there is no community property, then out of the separate property of the decedent. Such order may be made upon petition of any of the parties entitled, and upon notice of not less than ten days, given in such manner as the court may direct. Upon the hearing, any person interested in the estate may appear and contest the application. If it appears that the petitioners are entitled to have a homestead so set apart to them, the court must designate the land from which

the same is to be taken, and must appoint three appraisers to appraise and admeasure a homestead therefrom. The appraisers must proceed in the manner provided in the preceding sections of this article, and their report may be confirmed or rejected as therein provided, and, upon confirmation of the report, the court must set apart the homestead so selected to the persons entitled thereto. If such homestead was selected from the separate property of the decedent, the court can only set it apart for a limited period, to be designated in the order, and, subject to such homestead right, the property remains subject to administration.

SEC. 354. A new section is hereby added to said code, to be numbered fourteen hundred and eighty-one, and to read as follows:

Section 1481. If there are subsisting liens or incumbrances on a homestead, whether selected prior to the death of the decedent or thereafter by the court, the claims secured thereby must be presented and allowed as other claims against the estate; *provided*, the executor or administrator, or any person interested in such homestead, does, in writing, at least ten days before the expiration of the time for the presentation of claims, notify the holder of such claim to present it. In the absence of such notice the holder of such lien may maintain an action for its enforcement as authorized in section fifteen hundred. If the funds of the estate are adequate to pay all claims against the estate, the claims so secured must be paid out of such funds. If the funds of the estate are not sufficient for that purpose, the claims so secured must be paid proportionately with other claims allowed, and the liens or incumbrances on the homestead can only be enforced against the homestead for any deficiency remaining after such payment.

SEC. 355. A new section is hereby added to said code, to be numbered fourteen hundred and eighty-two, and to read as follows:

Section 1482. Persons succeeding, by purchase or otherwise, to the interests, rights, and title of successors to homesteads, or of persons entitled to have homesteads set apart to them, as in this chapter provided, are entitled to the same rights and benefits as those conferred by this chapter on the persons whose interests they have acquired.

SEC. 356. A new section is hereby added to said code, to be numbered fourteen hundred and eighty-three, and to read as follows:

Section 1483. The costs of all proceedings provided for in this chapter must be paid out of the estate as expenses of administration.

SEC. 357. A new section is hereby added to said code, to be numbered fourteen hundred and eighty-four, and to read as follows:

Section 1484. A certified copy of every final order made in pursuance of this article, by which property is set apart or a sale confirmed, must be recorded in the office of the recorder of the county where the homestead property is situated.

SEC. 358. Section fourteen hundred and eighty-five of said code is hereby repealed.

SEC. 359. Section fourteen hundred and eighty-six of said code is hereby repealed.

SEC. 360. Section fourteen hundred and ninety of said code is hereby amended to read as follows:

Section 1490. Within ten days after the issuing of letters testamentary or of administration, the executor or administrator must cause to be published, in some newspaper published in the county, if there is one, if not, then in such newspaper as may be designated by the court, a notice to the creditors of the decedent, requiring all persons having claims against him to present them to the clerk, at his office, within a time specified in the notice; which time must be ten months after the date of the notice, when the value of the estate, as set forth in the order appointing the executor or administrator, exceeds ten thousand dollars, and four months when such value does not exceed ten thousand dollars. Such notice shall be published once a week for four weeks, and the court or judge may also direct additional notice by publication or posting. The first publication of the notice must be had within ten days after the date of the notice. The notice must be substantially in the following form:

NOTICE TO CREDITORS.

In the matter of the estate of ———, deceased:

Notice is hereby given to the creditors of, and all persons having claims against, the above named deceased, to present them within ——— months after the date of this notice, to the county clerk of the county (or city and county) of ———, State of California, at his office in the city (or town) of ———.

Dated ———

_____,
Executor (or administrator) of the estate of ———.

SEC. 361. Section fourteen hundred and ninety-one of said code is hereby amended to read as follows:

Section 1491. Upon receiving any claim, the clerk must file the same, and immediately make an entry of such filing on the register of the court, stating the name of the claimant and the amount of the claim. Every claim must have indorsed thereon by the claimant a statement of the place to which notices to him concerning such claim may be addressed.

SEC. 362. Section fourteen hundred and ninety-two of said code is hereby amended to read as follows:

Section 1492. Upon the completion of the publication, or of publication and posting, of such notice, a copy thereof, with an affidavit of due publication, or of publication and posting, must be filed. At any time after the expiration of the time for the presentation

of claims, the court may, and upon application of any party interested, must, after such notice as the court may direct, not less than five days, make a decree showing that due notice to creditors has been given; which decree, when entered, is conclusive evidence that such notice has been given.

SEC. 363. Section fourteen hundred and ninety-four of said code is hereby amended to read as follows:

Section 1494. Every claim which is due when presented must be supported by the affidavit of the claimant, or some one in his behalf, that the amount is justly due, that no payments have been made thereon which are not credited, and that there are no offsets to the same to the knowledge of the affiant. If the claim is not due when presented, the affidavit, instead of stating that the amount is justly due, must state that the amount thereof will justly become due at a time therein stated, and, in other respects, must be such as is required for a claim which is due. If the claim is contingent, the particulars thereof must be stated and the claim must be supported by the affidavit of the claimant, or some one in his behalf, that the particulars so stated are true, and that there are no offsets, absolute or contingent, to the same, not disclosed in such statement of particulars, to the knowledge of the affiant. When the affidavit is made by a person other than the claimant, he must set forth in the affidavit the reason why it is not made by the claimant.

SEC. 364. Section fourteen hundred and ninety-five of said code is hereby amended to read as follows:

Section 1495. Any judge of the superior court may present a claim against the estate of a decedent, and if the executor or administrator allows the claim, he must in writing designate some other judge of the superior court of the same or an adjoining county, who, upon the presentation of such claim to him, is vested with power to allow or reject it, and the judge presenting such claim, in case of its rejection by the executor or administrator, or by such judge as shall have acted upon it, has the same right to sue in a proper court for its recovery as other persons have when their claims against an estate are rejected.

SEC. 365. Section fourteen hundred and ninety-six of said code is hereby amended to read as follows:

Section 1496. At any time after the filing of a claim, the executor or administrator may allow the same, in whole or in part, or reject the same. Such allowance or rejection must be in writing and filed with the clerk, and the clerk upon filing the same, must immediately note the same in the register, and mail a notice thereof to the claimant at the place designated on the claim. If the claim is allowed by the executor or administrator, it must be presented to the judge of the court for his approval, who must indorse upon it his allowance or rejection, and the clerk must immediately note such allowance or rejection upon the register, and mail notice thereof to the claimant at the address designated on the claim. If the executor or administrator refuses or neglects, for the period of ten days after the filing of the claim, to allow or reject the same, or if the judge refuses or neglects, for the period of ten days after the claim has been presented to him, to indorse his allowance or rejection thereon, such refusal or neglect may, at the option of the claimant, be deemed equivalent to a rejection on the tenth day. Any claim presented before the expiration of the time limited in the notice for the presentation of claims is presented in time, whether acted upon within that period or not.

SEC. 366. Section fourteen hundred and ninety-seven of said code is hereby amended to read as follows:

Section 1497. Whenever a claim has been allowed by the judge as herein provided, it must thereafter be ranked among the acknowledged debts of the estate, to be paid in due course of administration. If the claim is founded on a bond, bill, note, or any other instrument, a copy of such instrument must accompany the claim, and the original instrument must be exhibited, if demanded, unless it is lost or destroyed, in which case the claimant must accompany his claim by his affidavit, containing a copy or particular description of such instrument, and stating its loss or destruction. If the claim, or any part thereof, is secured by a mortgage or other lien which has been recorded in the office of the recorder of the county in which the property affected by it is situated, it is sufficient to describe the mortgage or lien, and refer to the date, volume, and page of its record. If, in any case, the claimant has left any original voucher in the hands of the executor or administrator, or suffered the same to be filed in court, he may withdraw the same when a copy thereof has been already, or is then, attached to his claim.

SEC. 367. Section fourteen hundred and ninety-eight of said code is hereby amended to read as follows:

Section 1498. When a claim is rejected either by the executor or administrator, or a judge of the superior court, the holder must bring suit in the proper court against the executor or administrator within three months after the date of its rejection, otherwise the claim is forever barred. If after the allowance of a claim by the judge, such allowance is wholly or partly vacated or revoked, the claimant is entitled, within three months after receiving written notice of such action, to sue on his claim in the same manner and with like effect as if it had originally been rejected.

SEC. 368. Section fourteen hundred and ninety-nine of said code is hereby amended to read as follows:

Section 1499. No claim must be allowed by the executor or administrator, or by a judge of the superior court, which is barred by the statute of limitations. When a claim is presented to a judge for his allowance, he may, in his discretion, examine the claimant

and others on oath, and hear any legal evidence touching the validity of the claim. No claim against any estate, which has been presented and allowed, is affected by the statute of limitations pending the proceedings for the settlement of the estate.

SEC. 369. Section fifteen hundred of said code is hereby amended to read as follows:

Section 1500. No holder of any claim against an estate can maintain an action thereon, unless the claim is first presented as herein required, except in the following case: An action may be brought by any holder of a mortgage or lien to enforce the same against the property of the estate subject thereto, where all recourse against any other property of the estate is expressly waived in the complaint; but no counsel fees can be recovered in such action unless such claim is so presented.

SEC. 370. Section fifteen hundred and two of said code is hereby amended to read as follows:

Section 1502. If an action is pending against the decedent at the time of his death, the plaintiff must in like manner present his claim for allowance or rejection, authenticated as required in other cases; and no recovery can be had in the action without such presentation.

SEC. 371. Section fifteen hundred and three of said code is hereby amended to read as follows:

Section 1503. Whenever an executor or administrator or a judge is willing to allow a claim in part, he must state in his notice or indorsement the amount for which he allows it. If the claimant refuses to accept the amount allowed in full satisfaction of his claim, he may bring an action thereon, as provided in section fourteen hundred and ninety-eight; but in that event such allowance must be deemed to have been withdrawn, and the claimant is entitled to receive upon the claim only such amount as he may be awarded by the judgment in such action. If he fails to recover a greater amount than that so offered to be allowed, he is not entitled to recover costs.

SEC. 372. Section fifteen hundred and four of said code is hereby amended to read as follows:

Section 1504. A judgment rendered against an executor or administrator, upon any claim, whether due or to become due, absolute or contingent, for money against the estate of his testator or intestate, only establishes the claim in the same manner as if it had been allowed by the executor or administrator and the judge; and the judgment must be that the executor or administrator pay, in due course of administration, the amount ascertained to be due. A certified transcript of the original docket of the judgment must be filed among the papers of the estate in court. No execution must issue upon such judgment, nor does it create any lien upon the property of the estate, or give to the judgment creditor any priority of payment.

SEC. 373. Section fifteen hundred and five of said code is hereby amended to read as follows:

Section 1505. When any judgment has been rendered for or against the testator or intestate in his lifetime, no execution must issue thereon after his death, except as provided in section six hundred and eighty-six. A judgment against the decedent for the recovery of money must be presented like any other claim. If execution is actually levied upon any property of the decedent before his death, the same may be sold for the satisfaction thereof; and the officer making the sale must account to the executor or administrator for any surplus in his hands. A judgment creditor having a judgment which was rendered against the testator or intestate in his lifetime, may redeem any real estate of the decedent from any sale under foreclosure or execution, in like manner and with like effect as if the judgment debtor were still living.

SEC. 374. Section fifteen hundred and seven of said code is hereby amended to read as follows:

Section 1507. If the executor or administrator doubts the correctness of any claim presented to him, he may enter into an agreement in writing, with the claimant, to refer the matter in controversy to some disinterested person, to be approved by the superior court, or a judge thereof. Upon filing the agreement and approval of such court or judge, in the office of the clerk of the court for the county in which the letters testamentary or of administration were granted, the clerk must enter a minute of the order referring the matter in controversy to the person so selected; and the report of the referee, if confirmed, establishes or rejects the claim the same as if it had been allowed or rejected by the executor or administrator and judge. If the parties consent, they may refer the matter in controversy to the court, and the court must thereupon hear and decide the same, and allow or reject the claim in the same manner as if the same had been allowed or rejected in the first instance by the executor or administrator.

SEC. 375. Section fifteen hundred and nine of said code is hereby repealed.

SEC. 376. Section fifteen hundred and ten of said code is hereby amended to read as follows:

Section 1510. If any executor or administrator is a creditor of the decedent, his claim duly authenticated by affidavit must be presented for allowance or rejection to the judge, and its allowance by the judge is the only allowance required. If, however, the judge rejects the claim, action thereon may be had against the estate by the claimant, and summons must be served upon the judge, who may appoint an attorney, at the expense of the estate, to defend the action. If the claimant recovers no judgment, he must pay all costs, including defendant's reasonable attorney's fees, to be fixed by the court.

SEC. 377. Section fifteen hundred and twelve of said code is hereby repealed.

SEC. 378. Section fifteen hundred and eighteen of said code is hereby amended to read as follows:

Section 1518. All petitions for orders of sale must be in writing, setting forth the facts showing the sale to be necessary, and, upon the hearing, any person interested in the estate may file his written objections, which must be heard and determined. A failure to set forth the facts showing the sale to be necessary does not invalidate the subsequent proceedings, if the general facts showing the necessity are stated in the order directing the sale.

SEC. 379. Section fifteen hundred and twenty-two of said code is hereby amended to read as follows:

Section 1522. At any time after receiving letters, the executor, administrator, special administrator, or any person interested in the estate, may apply to the court or judge and obtain an order to sell perishable and other personal property likely to depreciate in value, or which will incur loss or expense by being kept, and so much other personal property as may be necessary to pay the allowance made to the family of the decedent. The order for the sale may be made without notice; but the executor, administrator, or special administrator, is responsible for the property, unless, after making a sworn return, and on a proper showing, the court approves the sale.

SEC. 380. Section fifteen hundred and twenty-four of said code is hereby amended to read as follows:

Section 1524. Partnership interests belonging to any estate by virtue of any partnership formerly existing, interests in personal property pledged, and choses in action, may be sold in the same manner as other personal property, when it appears to be for the best interest of the estate. Before confirming the sale of any partnership interest, whether made to the surviving partner or to any other person, the court or judge must carefully inquire into the condition of the partnership affairs, and must examine the surviving partner, if in the county and able to be present in court; and if out of the county and unable to be present in court, then his testimony must be taken in such manner as may be directed by the court or judge.

SEC. 381. A new section is hereby added to said code, to be numbered fifteen hundred and twenty-seven, to read as follows:

Section 1527. Whenever it appears to the court, on any hearing of an application for the sale of real property, that it is for the interest of the estate that personal property of the estate, or some part of such property, be first sold, the court may decree the sale of such personal property, or any part of it, and the sale thereof must be conducted in the same manner as if the application had been made for the sale of such personal property in the first instance.

SEC. 382. Section fifteen hundred and thirty-seven of said code is hereby amended to read as follows:

Section 1537. To obtain such order for the sale of real property, he must present a verified petition to the superior court, or a judge thereof, setting forth the amount of the personal estate that has come to his hands, and how much thereof, if any, remains undisposed of; the debts outstanding against the decedent, so far as can be ascertained or estimated; the amount due upon the family allowance, or that will be due after the same has been in force for one year; the debts, expenses, and charges of administration already accrued, and an estimate of what will or may accrue during the administration; a general description of all the real property of which the decedent died seized, or in which he had any interest, or in which the estate has acquired any interest, and the condition and value thereof, and whether the same is community or separate property; the names of the legatees and devisees, if any, and the heirs of the deceased, so far as known to the petitioner; and if said order for sale of real estate is petitioned for on the ground that it is for the advantage, benefit, and best interests of the estate and those interested therein that a sale be made, the petition, in addition to the foregoing facts, must set forth in what way an advantage or benefit will accrue to the estate and those interested therein by such sale. If any of the matters herein enumerated cannot be ascertained, it must be so stated in the petition; but a failure to set forth facts hereinbefore enumerated will not invalidate the subsequent proceedings if the general facts showing that such sale is necessary or that such sale is for the advantage, benefit, and best interests of the estate and those interested therein are stated in the decree.

SEC. 383. Section fifteen hundred and forty of said code is hereby amended to read as follows:

Section 1540. The court, at the time and place appointed in such order, or at such other time to which the hearing may be postponed, upon satisfactory proof of personal service or publication of a copy of the order, by affidavit or otherwise, if the consent in writing to such sale of all parties interested is not filed, must proceed to hear the petition, and hear and examine the allegations and proofs of the petitioner, and of all persons interested in the estate who may oppose the application.

SEC. 384. Section fifteen hundred and forty-three of said code is hereby amended to read as follows:

Section 1543. If it appears to the satisfaction of the court, after a full hearing upon the petition and an examination of the proofs and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary for any of the causes mentioned in this article, or that a sale of the whole or some portion of the real estate is for the advantage, benefit, and best interests of the estate and those interested therein, or if such sale be assented to by all the persons interested, an order must be made to sell the whole, or so much and such parts of the real estate described in the

petition as the court shall judge necessary, or for the advantage, benefit, and best interests of the estate and those interested therein. A sale of real property may also be ordered, for the sole purpose of paying a debt secured by mortgage or lien on such property, which has been presented and allowed. In such case the petition need not set forth or refer to the personal estate, or any other debt or expense of administration, or any other real property than that so petitioned to be sold.

SEC. 385. Section fifteen hundred and forty-four of said code is hereby amended to read as follows:

Section 1544. The order of sale must describe the lands to be sold, and the terms of sale, which may be for cash, or on a credit, in whole or in part, not exceeding one year, payable in gross or in installments, and in such kind of money, with interest, as the court may direct. The land may be sold in one parcel or in subdivisions, as the executor or administrator shall judge most beneficial to the estate, unless the court otherwise specially directs. If it appears that any part of such real estate has been devised, and not charged in such devise with the payment of debts or legacies, the court must order the remainder to be sold before that so devised. Every such sale must be ordered to be made at public auction, unless, in the opinion of the court, it will benefit the estate to sell the whole or some part of such real estate at private sale. If a private sale is asked for in the petition, the court may order the property, or any part thereof, to be sold at private sale, if such appears to be most beneficial to the estate; otherwise, all sales must be directed to be made at public auction. If the executor or administrator neglects or refuses to make a sale under the order, and as directed therein, he may be compelled to sell, by order of the court, made on motion, after due notice, by any party interested.

SEC. 386. Section fifteen hundred and fifty-two of said code is hereby amended to read as follows:

Section 1552. The executor or administrator, after making any sale of real estate, must make a return of his proceedings to the court, which must be filed in the office of the clerk at any time subsequent to the sale. A hearing upon the return of the proceedings may be asked for in the return or by petition subsequently, and thereupon the clerk must fix the day for the hearing, of which notice of at least ten days must be given by the clerk by notices posted in three public places in the county or by publication in a newspaper, and must briefly indicate the land sold, the sum for which it was sold and must refer to the return for further particulars. Upon the hearing, the court must examine the return and witnesses in relation to the same, and if the proceedings were unfair or the sum bid disproportionate to the value, or if it appears that a sum exceeding such bid, exclusive of the expenses of a new sale, may be obtained, the court may vacate the sale and direct another to be had, of which notice must be given, and the sale in all respects conducted as if no previous sale had taken place. If a greater amount than that named in the return is offered to the court in writing by a responsible person, it may, in its discretion, accept such offer and confirm the sale to such person or order a new sale.

SEC. 387. Section fifteen hundred and sixty-nine of said code is hereby amended to read as follows:

Section 1569. When any sale is made by an executor or administrator, pursuant to the provisions of this chapter, of lands subject to any mortgage or other lien, which is a valid claim against the estate of the decedent, and has been presented and allowed, the purchase money must be applied, after paying the necessary expenses of the sale, first, to the payment and satisfaction of the mortgage or lien, and the residue, if any, in due course of administration. The application of the purchase money to the satisfaction of the mortgage or lien must be made without delay; and the land is subject to such mortgage or lien until the purchase money has been actually so applied. The purchase money, or so much thereof as may be sufficient to pay such mortgage or lien, with interest, and any lawful costs and charges thereon, may be paid to the county treasurer for the holder of the mortgage or lien; and upon presentation of the treasurer's receipt therefor, and upon notice of not less than five days, the court may order the mortgage or lien to be satisfied of record, and upon receipt of a certified copy of such order, the recorder must enter satisfaction of the mortgage or lien. At any time after the payment of such money to the county treasurer, the holder of the mortgage or lien may, upon notice of not less than five days, obtain an order from the court, directing the treasurer to pay to him the same, or so much thereof as may be necessary to satisfy the mortgage or lien, and the surplus, if any, must thereupon be at once returned to the executor or administrator.

SEC. 388. Section fifteen hundred and seventy-three of said code is hereby amended to read as follows:

Section 1573. No action for the recovery of any property sold by an executor or administrator, under the provisions of this chapter, can be maintained by any heir or other person claiming under the decedent unless it is commenced within three years next after the taking of possession of such property by the purchaser under the sale. An action to set aside the sale on the ground of fraud or mistake, may be instituted and maintained at any time within three years from the discovery, by the aggrieved party, of the facts constituting the fraud or mistake.

SEC. 389. Section fifteen hundred and seventy-five of said code is hereby amended to read as follows:

Section 1575. When a sale has been made by an executor or administrator of any property of the estate, real or personal, he must return to the court, within thirty days thereafter, an account of sales, verified by his affidavit, or in case of his absence from

the county, or other inability, by the affidavit of his attorney. If he neglects to make such return, he may be punished by attachment, or his letters may be revoked, not less than five days' notice having been first given him to appear and show cause why such attachment should not issue, or such revocation not be made.

SEC. 390. Section fifteen hundred and seventy-six of said code is hereby amended to read as follows:

Section 1576. Except upon the consent in writing of all persons interested in the estate, and by permission of the court, no executor or administrator must, directly or indirectly, purchase any property of the estate he represents, or be interested in any sale thereof.

SEC. 391. Section fifteen hundred and seventy-seven of said code is hereby amended to read as follows:

Section 1577. Whenever it appears to be for the advantage of the estate to raise money upon a note or notes, to be secured by a mortgage of the real property of any decedent, or of a minor, or of an incompetent person, or any part thereof, or to make a lease of said realty, or any part thereof, the court may, on a petition, notice, and hearing, as provided in this article, authorize and direct the executor, administrator, or guardian to mortgage such real estate or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate or any part thereof.

SEC. 392. Section fifteen hundred and seventy-eight of said code is hereby amended to read as follows:

Section 1578. To obtain an order to mortgage such realty, the proceedings to be taken, and the effect thereof, must be as follows:

First—The executor or administrator of any estate, or guardian of any minor or incompetent person, or any person interested in the estates of such decedents, minors, or incompetent persons, must file a verified petition showing:

1. The particular purpose or purposes for which it is proposed to make the note or notes and mortgage, which must be either to pay the debts, legacies, or charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said realty or some part thereof;

2. A statement of the debts, legacies, charges of administration, liens or mortgages to be paid, reduced, extended, or renewed, as the case may be;

3. The advantage that may accrue to the estate from raising the required money, in the manner, and for the purposes petitioned for;

4. The amount to be raised, with a general description of the property proposed to be mortgaged; and,

5. The names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor, or of the incompetent person, as the case may be, so far as known to the petitioner.

Second—Upon filing such petition, an order must be made by the court or judge requiring all persons interested in the estate to appear before the court, at a time and place specified, not less than four nor more than ten weeks thereafter, to show cause why the realty (briefly indicating it), or some part thereof, should not be mortgaged for the amount mentioned in the petition (stating such amount), or such lesser amount as to the court or judge shall seem meet, and referring to the petition on file for further particulars.

Third—The order to show cause must be personally served on the persons interested in the estate, at least ten days before the time appointed for hearing the petition, or published for four successive weeks in a newspaper of general circulation, published in the county.

Fourth—At the time and at the place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed, having first received satisfactory proof of personal service or publication of the order to show cause, the court must proceed to hear the petition, and any objections that may be presented thereto. Witnesses may be compelled to attend and testify, as in other cases; and if the court is satisfied that it will be for the advantage of the estate to mortgage the whole or any portion of the real estate, an order must be made authorizing and directing the executor, administrator, or guardian to borrow the sum named in the petition, or some lesser amount, and to execute a promissory note or notes therefor, and a mortgage to secure the payment thereof. The order must prescribe the period of the loan, the coin or currency in which it must be paid, the maximum rate of interest, the property to be mortgaged, that the buildings thereon shall be insured for the further security of the lender, and the maximum which may be allowed for the services of attorneys in the event that a suit is brought to foreclose the mortgage; and the order may also provide that the interest on said notes must be paid out of the income of the property mortgaged.

Fifth—After the making of the order to mortgage, the executor, administrator, or guardian must execute and deliver a promissory note or notes for the amount and period specified in the order, and execute, acknowledge, and deliver a mortgage of the premises, setting forth in the mortgage that it is made by authority of the order, and giving the date of such order. A certified copy of the order must be recorded in the office of the county recorder of every county in which the incumbered land, or any portion thereof, lies. The note or notes and mortgage must be signed by the executor, administrator, or guardian as such, but they create no personal liability against the person so signing.

Sixth—Every mortgage so made is effectual to mortgage and hypothecate all the right, title, interest, and estate which the decedent, minor, or incompetent person had in the premises described therein at the time of the death of such decedent, or at the time

of the appointment of the guardian, or prior or subsequent thereto. No irregularity in the proceedings shall impair or invalidate the same, or the note or notes and mortgage given in pursuance thereof, and the mortgagee, his heirs and assigns, shall have and possess the same rights and remedies on the note or notes and mortgage as if it had been made by the decedent prior to his death, the minor after reaching the age of majority, or the incompetent person when legally competent; *provided, however*, that upon any foreclosure, if the proceeds of the incumbered property are insufficient to pay the note or notes and mortgage, no judgment or claim for any deficiency of such proceeds to satisfy the note or notes and mortgage, or the costs or expenses of sale, must be had or allowed, except in cases where the note or notes and mortgage were given to pay, reduce, extend, or renew a lien or mortgage subsisting on the realty, or some part thereof, at the time of the death of the decedent, and the indebtedness secured by such lien or mortgage was an allowed and approved claim against his estate, or a lien upon the interest of the minor in said real estate at the time it vested in him, or upon the estate of the incompetent at the time the incompetency was so declared by the court; *and provided, also*, that in cases affecting the estates of deceased persons, the part of the indebtedness remaining unsatisfied must be classed and paid with other demands against the estate, as provided in article three, chapter ten, of title eleven, part three, of this code, with respect to mortgages subsisting at the time of death.

SEC. 393. Section fifteen hundred and eighty-two of said code is hereby amended to read as follows:

Section 1582. Actions for the recovery of any property, real or personal, or for the possession thereof, or to quiet title thereto, or to determine any adverse claim thereto, or for partition of real property, and all actions founded upon contracts, may be maintained by and against executors and administrators in all cases in which the same might have been maintained by or against their respective testators or intestates. The heirs or devisees may themselves, or jointly with the executor or administrator, maintain an action for the possession of the real estate, or for the purpose of quieting title to the same, against any one except the executor or administrator; but this section must not be construed as requiring them so to do.

SEC. 394. Section fifteen hundred and eighty-three of said code is hereby amended to read as follows:

Section 1583. Actions for wasting, destroying, taking, carrying away, or converting any goods or chattels, or for trespass on real estate, may be maintained by and against executors and administrators in all cases in which the same might have been maintained by or against their respective testators or intestates.

SEC. 395. A new section is hereby added to said code, to be numbered fifteen hundred and eighty-four, and to read as follows:

Section 1584. Executors and administrators may maintain actions to enforce trusts in real or personal property created or existing in favor of their respective testators or intestates, and to compel the conveyance or delivery of the trust property, or any part thereof. In any such action, the court may, by its judgment, direct that such property be conveyed or delivered to the executor or administrator for the benefit of the estate. Any person holding any property to which the estate is entitled, may convey the same to the executor or administrator for the benefit of the estate, with the same effect as if the testator or intestate were still living and the property had been conveyed to him. An executor or administrator may also take and hold, for the benefit of the estate, under a decree of distribution in the estate of another deceased person, any property of such estate to which his testator or intestate would have been entitled if living.

SEC. 396. Section fifteen hundred and eighty-seven of said code is hereby amended to read as follows:

Section 1587. In actions by or against executors, it is not necessary to join those as parties who have been appointed executors but have not qualified.

SEC. 397. Section fifteen hundred and eighty-nine of said code is hereby amended to read as follows:

Section 1589. When there is a deficiency of assets in the hands of an executor or administrator, and when the decedent, in his lifetime, has conveyed any real estate, or any rights or interests therein, with intent to defraud his creditors, or to avoid any right, debt, or duty of any person, or has so conveyed such estate that by law the deeds or conveyances are void as against creditors, the executor or administrator must commence and prosecute to final judgment any proper action for the recovery of the same; and may recover for the benefit of the creditors all such real estate so fraudulently conveyed, and may also, for the benefit of the creditors, sue for and recover all goods, chattels, rights, or credits which have been so conveyed by the decedent in his lifetime, whatever may have been the manner of such fraudulent conveyance.

SEC. 398. Section fifteen hundred and ninety-one of said code is hereby amended to read as follows:

Section 1591. All real estate so recovered must be sold for the payment of debts, in the same manner as if the decedent had died seized thereof, upon obtaining an order therefor from the court; and the proceeds of all goods, chattels, rights and credits so recovered must be appropriated in payment of the debts of the decedent in the same manner as other property in the hands of the executor or administrator. The remainder of the proceeds, after all the debts of the decedent have been paid, must be paid to the person from whom such property was recovered.

SEC. 399. A section is hereby added to said code, to be numbered fifteen hundred and ninety-two, to read as follows:

Section 1592. Pending the settlement of any estate, on the petition of any person interested therein, and upon good cause shown therefor, the court may order any moneys in the hands of the executors or administrators to be invested for the benefit of the estate in securities of the United States, or of this state. Such order can only be made after publication of notice of the petition for not less than ten days in some newspaper, to be designated by the court or a judge thereof.

SEC. 400. Section fifteen hundred and ninety-eight of said code is hereby amended to read as follows:

Section 1598. On the presentation of a verified petition by the executor or administrator, or by any person claiming to be entitled to such conveyance from an executor or administrator, setting forth the facts upon which the claim is predicated, the court, or a judge thereof, must appoint a time and place for hearing the petition, and must order notice thereof to be served on the executor or administrator personally, when he is not the petitioner, and published at least four successive weeks before such hearing, in such newspaper in this state as he may designate.

SEC. 401. Section sixteen hundred of said code is hereby amended to read as follows:

Section 1600. If after a full hearing upon the petition and objections, and examination of the facts and circumstances of the claim, the court is satisfied that the petitioner is entitled to a conveyance of the real estate described in the petition, a decree authorizing and directing the executor or administrator to execute a conveyance thereof to the petitioner must be made.

SEC. 402. Section sixteen hundred and seven of said code is hereby amended to read as follows:

Section 1607. The decree provided for in this chapter may direct the possession of the property therein described to be surrendered to the person entitled thereto, upon his producing a certified copy of the decree, when, by the terms of the contract, possession is to be surrendered.

SEC. 403. Section sixteen hundred and twelve of said code is hereby amended to read as follows:

Section 1612. No executor or administrator is chargeable upon any special promise to answer in damages or to pay the debts of the testator or intestate out of his own estate, unless the agreement for that purpose, or some memorandum or note thereof, is in writing and signed by such executor or administrator, or by some other person by him thereunto specially authorized in writing.

SEC. 404. Section sixteen hundred and eighteen of said code is hereby amended to read as follows:

Section 1618. When no compensation is provided by the will, or the executor renounces all claim thereto, he must be allowed commissions upon the amount of estate accounted for by him, as follows: for the first thousand dollars, at the rate of seven per cent; for all above that sum, and not exceeding ten thousand dollars, at the rate of five per cent; for all above ten thousand dollars, and not exceeding twenty thousand dollars, at the rate of four per cent; for all above twenty thousand dollars, and not exceeding fifty thousand dollars, at the rate of three per cent; for all above fifty thousand dollars, and not exceeding one hundred thousand dollars, at the rate of two per cent; and for all above one hundred thousand dollars, at the rate of one per cent. The same commissions must be allowed to administrators. In all cases the amount of the commissions may be increased or diminished, as the court may deem reasonable and just for the services performed, but such increase or diminution shall in no event exceed one half the amount of commissions allowed by this section. Where the property of the estate is distributed in kind, and involves no labor beyond the custody and distribution of the same, the commissions must be computed on all the estate above the value of twenty thousand dollars, at one half of the rates fixed in this section. Public administrators shall receive the same compensation and allowances as are allowed in this title to other administrators. All contracts between an executor or administrator and an heir, devisee, or legatee, for a higher compensation than that allowed by this section are void; *provided*, this section shall not apply to estates now in course of administration, except where, and to the extent that, such estates consist of bonds and other securities, to be distributed without extra expense in administration. Upon the death, resignation, or removal of any executor or administrator, the court must, in settling his account, allow him, for his compensation, such part of the commissions heretofore designated as may seem just, taking into consideration the services rendered, and, so far as the court can ascertain, the services necessary to be rendered to complete the administration of the estate.

SEC. 405. Section sixteen hundred and twenty-two of said code is hereby amended to read as follows:

Section 1622. When required by the court, either upon its own motion or upon the application of any person interested in the estate, the executor or administrator must render an exhibit under oath, showing the amount of money received and expended by him, the amount of all claims presented against the estate, and the names of the claimants, and all other matters necessary to show the condition of its affairs.

SEC. 406. Section sixteen hundred and twenty-three of said code is hereby repealed.

SEC. 407. Section sixteen hundred and twenty-four of said code is hereby repealed.

SEC. 408. Section sixteen hundred and twenty-five of said code is hereby repealed.

SEC. 409. Section sixteen hundred and thirty-six of said code is hereby amended to read as follows:

Section 1636. All matters, including allowed claims not passed upon on the settlement of any former account, or on rendering an exhibit, or on making a decree of sale, may be contested by the heirs, for cause shown. The hearing and allegations of the respective parties may be postponed from time to time, when necessary, and the court may appoint one or more referees to examine the accounts, and make report thereon, subject to confirmation; and may allow a reasonable compensation to the referees, to be paid out of the estate of the decedent. Whenever an allowed claim is contested by any heir, or other person entitled to contest it, either the contestant or the claimant is entitled to a trial by jury of the issues of fact presented by the contest; and it is the duty of the court, at request of either party, to call a jury and submit to them such issues, and, after receiving their verdict, to enter an order disposing of such contest in accordance therewith.

SEC. 410. Section sixteen hundred and thirty-nine of said code is hereby amended to read as follows:

Section 1639. If any executor or administrator dies, his accounts may be presented by his personal representatives to and settled by the court in which the estate of which he was executor or administrator is being administered, and, upon petition of the successor of such deceased executor or administrator, such court may compel the personal representatives of such deceased executor or administrator to render an account of the administration of their testator or intestate, and must settle such account as in other cases.

SEC. 411. Section sixteen hundred and forty of said code is hereby repealed.

SEC. 412. Section sixteen hundred and forty-three of said code is hereby amended to read as follows:

Section 1643. The debts of the estate, subject to the provisions of section twelve hundred and five, must be paid in the following order:

1. Funeral expenses;
2. The expenses of the last sickness;
3. Debts having preference by the laws of the United States;
4. Judgments rendered against the decedent in his lifetime, and mortgages and other liens in the order of their date;
5. All other demands against the estate.

If a debt is payable in a particular kind of money or currency, it must be paid only in such money or currency. If the estate is insolvent, no greater rate of interest must be paid upon any debt, from the time of the first publication of notice to creditors, than is allowed by law on judgments.

SEC. 413. Section sixteen hundred and forty-four of said code is hereby amended to read as follows:

Section 1644. The preference given in the preceding section to a mortgage or lien only extends to the proceeds of the property subject to the mortgage or lien. If the proceeds of such property are insufficient to pay the mortgage or lien, the part remaining unsatisfied must be classed with general demands against the estate.

SEC. 414. Section sixteen hundred and forty-seven of said code is hereby amended to read as follows:

Section 1647. Upon the settlement of the account of the executor or administrator, provided for in section sixteen hundred and twenty-eight, the court must make an order for the payment of the debts, as the circumstances of the estate require. If there are not sufficient funds in the hands of the executor or administrator, the court must specify in the decree the sum to be paid to each creditor. If the whole property of the estate is exhausted by such payment or distribution, such account must be considered as a final account, and the executor or administrator is entitled to his discharge on producing and filing the necessary vouchers and proofs showing that such payments have been made, and that he has fully complied with the decree of the court.

SEC. 415. Section sixteen hundred and fifty-eight of said code is hereby amended to read as follows:

Section 1658. At any time after the lapse of four months from the issuing of letters testamentary or of administration, any heir, devisee, or legatee may present his petition to the court for the legacy or share of the estate to which he is entitled, or any portion thereof, to be given to him upon his giving bonds, with security, for the payment of his proportion of the debts of the estate.

SEC. 416. Section sixteen hundred and sixty-one of said code is hereby amended to read as follows:

Section 1661. If, at the hearing, it appears that the estate is but little indebted, and that the share of the party applying may be allowed to him without loss to the creditors of the estate, the court must make an order in conformity with the prayer of the applicant, requiring:

1. Each heir, legatee, or devisee, obtaining such order, before receiving his share, or any portion thereof, to execute and deliver to the executor or administrator a bond, in such sum as may be designated by the court, or a judge thereof, with sureties to be approved by the judge, payable to the executor or administrator, and conditioned for the payment, whenever required, of his proportion of the debts due from the estate, not exceeding the value or amount of the legacy or portion of the estate to which he is entitled. Where the time for filing or presenting claims has expired, and all claims that have been allowed have been paid, or are secured by mortgage upon real estate suffi-

cient to pay them, and the court is satisfied that no injury can result to the estate, the court may dispense with the bond;

2. The executor or administrator to deliver to the heir, legatee, or devisee, the whole portion of the estate to which he may be entitled, or only a part thereof, designating it.

If, in the execution of the order, a partition is necessary between two or more of the parties interested, it must be made in the manner hereinafter prescribed. The costs of these proceedings must be paid by the applicant, or if there are more than one, must be apportioned equally among them.

Sec. 417. Section sixteen hundred and sixty-three of said code is hereby repealed.

Sec. 418. Section sixteen hundred and sixty-five of said code is hereby amended to read as follows:

Section 1665. Upon the final settlement of the accounts of the executor or administrator, or at any subsequent time, upon the application of the executor or administrator, or of any heir, legatee, or devisee, the court must proceed to distribute the residue of the estate in the hands of the executor or administrator, if any, among the persons who by law are entitled thereto; and if the decedent has left a surviving child, or the issue of a deceased child, and any of them, before the close of the administration, have died while under age and not having been married, no administration on such deceased child's estate is necessary, but all the estate which such deceased child was entitled to by inheritance must, without administration, be distributed as provided in the Civil Code. A statement of any receipts and disbursements of the executor or administrator, since the rendition of his final account, must be reported and filed at the time of making such distribution; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the court, and included in the order or decree, or the court or judge may order notice of the settlement of such supplementary account, and refer the same as in other cases of the settlement of accounts.

Sec. 419. Section sixteen hundred and sixty-eight of said code is hereby amended to read as follows:

Section 1668. The order or decree may be made on the petition of the executor or administrator, or of any person interested in the estate. When such petition is filed the clerk of the court must set the petition for hearing by the court, and give notice thereof by causing notices to be posted in at least three public places in the county, setting forth the name of the estate, the executor or administrator, and the time appointed for the hearing of the petition. If, upon the hearing of the petition, the court, or a judge thereof, deems the notice insufficient from any cause, he may order such further notice to be given as may seem to him proper. At the time fixed for the hearing, or to which the hearing may be postponed, any person interested in the estate may appear and contest the petition by filing written objections thereto. If the partition is applied for, as provided in this chapter, the decree of distribution does not divest the court of jurisdiction to order partition, unless the estate is finally closed.

Sec. 420. Section sixteen hundred and sixty-nine of said code is hereby amended to read as follows:

Section 1669. Before any decree of distribution of an estate is made, the court must be satisfied by the oath of the executor or administrator, or otherwise, that all state, county, and municipal taxes, legally levied upon property of the estate, have been fully paid.

Sec. 421. Section sixteen hundred and seventy-seven of said code is hereby amended to read as follows:

Section 1677. If the real estate is in different counties, and it appears to the court that partition of the land in one of such counties may be had without reference to the land in the other counties, the court may appoint different commissioners to partition the property in that county, or may direct the commissioners first appointed to partition the property in any particular county, as if there were no other estate to be divided. Unless such directions are given, all the land to be partitioned, wherever situated, must be partitioned as a whole.

Sec. 422. Section sixteen hundred and seventy-eight of said code is hereby amended to read as follows:

Section 1678. Partition or distribution of the property of the estate may be made as provided in this chapter, although some of the original heirs, legatees, or devisees may have conveyed their shares to other persons, and such shares must be assigned to the person holding the same in the same manner as they otherwise would have been to such heirs, legatees, or devisees. If any heir, devisee, or legatee has died after the death of his ancestor or testator, his share must, except as otherwise provided in section sixteen hundred and sixty-five, be distributed to the persons to whom the same may have been distributed in the administration of his estate, or, if no such distribution has been had, then to his executor or administrator for the benefit of his estate.

Sec. 423. Section sixteen hundred and ninety-three of said code is hereby amended to read as follows:

Section 1693. When personal property remains in the hands of the agent unclaimed for a year, and it appears to the court that it is for the benefit of those interested, it shall be sold under the order of the court, and the proceeds, after deducting the expenses of the sale allowed by the court, must be paid into the county treasury. When the payment is made, the agent must take from the treasury duplicate receipts, one of which he must file in the office of the auditor, and the other in the court.

SEC. 424. Section sixteen hundred and ninety-six of said code is hereby amended to read as follows:

Section 1696. When any person appears and claims the money paid into the treasury, the court making the distribution must inquire into such claim, and, being first satisfied of his right thereto, must grant him a certificate to that effect, under its seal; and upon the presentation of the certificate to him, the auditor must draw his warrant on the treasurer for the amount.

SEC. 425. Section sixteen hundred and ninety-nine of said code is hereby amended to read as follows:

Section 1699. Where any trust has been created by or under any will to continue after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction thereof for the purpose of the settlement of accounts under the trust. And any trustee created by any will, or appointed to execute any trust created by any will, may, from time to time, pending the execution of his trust, or may at the termination thereof, render and pray for the settlement of his accounts as such trustee, before the superior court in which the will was probated, and in the manner provided for the settlement of the accounts of executors and administrators. The trustee, or in case of his death, his legal representatives, must for that purpose present to the court his verified petition, setting forth his accounts in detail, together with a verified statement of said trustee, giving the names and postoffice addresses, if known, of the cestui que trust, and upon the filing thereof, the clerk of the court must appoint a day for the hearing, and thereupon give notice thereof of not less than ten days, by causing notices to be posted in at least three public places in the county, setting forth the name of the trust estate, the trustee, and the day appointed for the settlement of the account. The court, or a judge thereof, may order such further notice to be given as may be proper, and any such trustee may, in the discretion of the court, upon application of any beneficiary of the trust, be ordered to appear and render his account, after being cited by service of citation, as provided for the service of summons in civil cases. Upon the filing of the account so ordered, the same proceedings for the hearing and settlement thereof must be had as are hereinabove provided.

SEC. 426. Section seventeen hundred and two of said code is hereby amended to read as follows:

Section 1702. Any person named or designated as a trustee in any will which has been or shall hereafter be admitted to probate in this state may decline to act as such trustee, and an order of court must thereupon be made accepting such resignation; but the declination of any such person who has qualified as executor must not be accepted by the court, unless the same is in writing and filed in the matter of the estate in the court, and such notice must be given thereof as is required upon a petition praying for letters of administration. The court has power at any time to appoint some fit and proper person to fill any vacancy in the office of trustee under the will, whether resulting from such declination, removal, or otherwise, provided it is required by law or necessary to carry out the trust created by the will, that such vacancy shall be filled; and every person so appointed must, before acting as trustee, give a bond such as is required by section one thousand three hundred and eighty-eight, of a person to whom letters of administration are directed to issue. Such appointment may be made by the court upon the written application of any person interested in the trust, and must only be made after notice to all parties interested in the trust, given in the same manner as notice is required to be given of the hearing upon the petition for the probate of a will. In each of the preceding cases the court may order such further notice as shall seem necessary. In accepting a declination under the provisions of this section, the court may make and enforce any order which may be necessary for the preservation of the estate. This section is applicable to any and all estates now pending in which a final distribution and discharge has not been granted.

SEC. 427. Section seventeen hundred and three and a half of said code is hereby numbered seventeen hundred and three a.

SEC. 428. Section seventeen hundred and ten of said code is hereby amended to read as follows:

Section 1710. At any time during the progress of the administration, any person interested in the estate may serve upon the executor or administrator, and file with the clerk an appearance, in person or by attorney, specifying a place at which notices may be served upon him. Such appearance must also be served upon any other person who has theretofore so appeared. Any person so appearing is entitled to personal notice of all subsequent proceedings required to be had upon notice; which notice must, unless otherwise provided in this title, be given at least five days before the hearing, and in the manner prescribed in chapter five, title fourteen, of part two, of this code. In all other cases, when personal notice is required, and no mode of giving it is prescribed in this title, it must be given either by citation or in the mode prescribed in sections ten hundred and ten and ten hundred and eleven.

SEC. 429. Section seventeen hundred and fifteen of said code is hereby repealed.

SEC. 430. Section seventeen hundred and seventeen of said code is hereby amended to read as follows:

Section 1717. If no jury is demanded, the court must try the issues joined, and sign and file its decision in writing, as provided in section six hundred and thirty-two and six hundred and thirty-three. If, on written demand, a jury is called by either party, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice to the opposite party, must settle and frame the issues to be tried, and

submit the same, together with the evidence of each party, to the jury, on which they must render a verdict. Either party may move for a new trial, upon the same grounds and errors, and in like manner, as provided in this code for civil actions.

SEC. 431. Section seventeen hundred and eighteen of said code is hereby repealed.

SEC. 432. Section seventeen hundred and twenty-three of said code is hereby amended to read as follows:

Section 1723. Upon the death of one of two spouses entitled to a homestead which thereby vests in the survivor, or of the owner of an estate for his own life, any person interested in such homestead, or in the property subject to such life estate, may file in the superior court of the county in which the property is situated his verified petition, setting forth such fact, and thereupon, after such notice by publication or otherwise as the court may direct, it must hear such petition and any evidence which may be offered in support or resistance thereof, and if it appears that such spouse or the owner of such life estate has died, the court must make a decree declaring such death, and the date thereof if known, and that thereby such deceased person ceased to have any estate or interest in such property; and a certified copy of such decree, recorded in the office of the county recorder of the county wherein the property is situated, is conclusive evidence of the facts therein stated.

SEC. 433. Section seventeen hundred and thirty-three of said code is hereby repealed.

SEC. 434. Section seventeen hundred and thirty-four of said code is hereby repealed.

SEC. 435. Section seventeen hundred and thirty-seven of said code is hereby amended to read as follows:

Section 1737. It is the duty of every public administrator, as soon as he receives the same, to deposit with the county treasurer of the county in which the probate proceedings are pending, all moneys of the estate; and such moneys may be drawn upon the order of the public administrator, countersigned by a superior judge, when required for the purposes of administration. It is the duty of the county treasurer to receive and safely keep all such moneys, and pay them out upon the order of the public administrator, when countersigned by a superior judge, and not otherwise, and to keep an account with such estate of all moneys received and paid to him; and the county treasurer must be allowed one per cent upon all moneys received and kept by him, and no greater fees for any services herein provided; and for the safe keeping and payment of all such moneys, as herein provided, the said treasurer and his sureties are responsible upon his official bond. The moneys thus deposited may, upon order of the court, be invested, pending the proceedings, in securities of the United States, or of this state, when such investment is deemed by the court to be for the best interests of the estate. After a final settlement of the affairs of any estate, if there are no heirs, or other claimants thereof, the county treasurer must pay into the state treasury all moneys and effects in his hands belonging to the estate, upon order of the court, and if any such moneys and effects escheat to the state, they must be disposed of as other escheated estates.

SEC. 436. The heading of article one of chapter fourteen of title eleven of part three is hereby amended to read as follows: "Guardians of resident minors."

SEC. 437. Section seventeen hundred and forty-seven of said code is hereby amended to read as follows:

Section 1747. The superior court of each county, when it appears necessary or convenient, may appoint guardians for the persons and estates, or either of them, of minors who have no guardian legally appointed by will or deed, and who are inhabitants or residents of the county. Such appointment may be made on the petition of a relative or other person on behalf of the minor, or on the petition of a minor, if fourteen years of age. Before making such appointment, the court must cause such notice as it deems reasonable to be given to any person having the care of such minor, and to such relatives of the minor residing in the county as the court may deem proper.

SEC. 438. Section seventeen hundred and fifty of said code is hereby amended to read as follows:

Section 1750. When a guardian has been appointed by the court for a minor under the age of fourteen years, the minor, at any time after he attains that age, may nominate his own guardian, subject to the approval of the court.

SEC. 439. Section seventeen hundred and fifty-two of said code is hereby repealed.

SEC. 440. Section seventeen hundred and fifty-three of said code is hereby amended to read as follows:

Section 1753. Every guardian appointed has the custody and care of the education of the minor, and the care and management of his estate, until such minor arrives at the age of majority or marries, or until the guardian is legally discharged, unless he is appointed guardian only of the person of the ward. In that event, the guardian is charged with the custody of the ward, and must look to his support, health, and education. He may fix the residence of the ward at any place in the state, but not elsewhere without the permission of the court.

SEC. 441. Section seventeen hundred and fifty-eight of said code is hereby amended to read as follows:

Section 1758. Every testamentary guardian must, unless otherwise provided in the will, give bond and qualify, and has the same powers and must perform the same duties with regard to the person and estate of his ward as guardians appointed by the court, except so far as their powers and duties are legally modified, enlarged, or changed by the will by which such guardian was appointed.

SEC. 442. A new section is hereby added to said code to be numbered seventeen hundred and sixty, to read as follows:

Section 1760. The power of a guardian appointed by a court is superseded:

1. By order of the court;

2. If the appointment was made solely because of the ward's minority, by his attaining majority;

3. The guardianship over the person of the ward, by the marriage of the ward.

SEC. 443. Section seventeen hundred and sixty-three of said code is hereby amended to read as follows:

Section 1763. When it is represented to the superior court, upon verified petition of any relative or friend, that any person resident of the county is insane, or from any cause mentally incompetent to manage his property, such court must cause a notice to be given to the supposed insane or incompetent person of the time and place of hearing the case, not less than five days before the time so appointed; and such person, if able to attend, must be produced on the hearing.

SEC. 444. Section seventeen hundred and sixty-six of said code is hereby amended to read as follows.

Section 1766. Any person who has been declared insane or incompetent, or the guardian, or any relative of such person within the third degree, or any friend, may apply, by petition, to the superior court of the county in which he was declared insane, to have the fact of his restoration to capacity judicially determined. The petition must be verified, and must state that such person is then sane or competent. Upon receiving the petition, the court must appoint a day for hearing before the court, and, if the petitioner requests it, must order an investigation before a jury, which must be summoned and impaneled in the same manner as juries in civil actions. The court must cause notice of the trial to be given to the guardian of the person so declared insane or incompetent, if there is a guardian, and to his or her husband or wife, if there is one, and to his or her father or mother, if living in the county. On the trial, the guardian or relative of the person so declared insane or incompetent, and, in the discretion of the court, any other person, may contest the right to the relief demanded. Witnesses may be required to appear and testify, as in civil cases, and may be called and examined by the court on its own motion. If it is found that the person is of sound mind, and capable of taking care of himself and his property, his restoration to capacity must be adjudged, and the guardianship of such person, if such person is not a minor, must cease.

SEC. 445. Section seventeen hundred and sixty-eight of said code is hereby amended to read as follows:

Section 1768. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, must pay all just debts due from the ward, out of his personal estate, and the income of his real estate, if sufficient; if not, then out of his real estate, upon obtaining an order for the sale thereof, and disposing of the same in the manner provided in article four of this chapter.

SEC. 446. Section seventeen hundred and seventy-three of this code is hereby amended to read as follows:

Section 1773. Every guardian must return to the court a verified inventory of the estate of his ward within three months after his appointment. He must annually thereafter, and at such other times as directed by the court, render a verified account of the estate of his ward. All the estate of the ward described in the first inventory must be appraised by appraisers appointed, sworn, and acting in the manner provided for regulating the settlement of the estates of decedents. Such inventory, with the appraisement of the property therein described, must be recorded by the clerk of the court in a proper book kept in his office for that purpose. Whenever any other property of the estate of any ward is discovered, not included in the inventory of the estate already returned, and whenever any other property has been succeeded to, or acquired by any ward, or for his benefit, the like proceedings must be had for the return and appraisement thereof as are herein provided in relation to the first inventory and return.

SEC. 447. Section seventeen hundred and seventy-four of said code is hereby repealed.

SEC. 448. Section seventeen hundred and seventy-six of said code is hereby amended to read as follows:

Section 1776. Every guardian must be allowed the amount of his reasonable expenses incurred in the execution of his trust, and he must also have such compensation for his services as the court in which his accounts are settled deems just and reasonable. He must also be allowed all reasonable and proper disbursements, made after the legal termination of the guardianship, but while that relation, by consent or acquiescence of the parties, still subsists in fact, and before the discharge of the guardian by the court, and which were made by the consent, express or implied, of the ward, and for his benefit or the benefit of his estate.

SEC. 449. Section seventeen hundred and ninety-three of said code is hereby amended to read as follows:

Section 1793. The superior court may appoint a guardian of the person and estate, or either, of a minor, insane or incompetent person, who has no guardian within the state, legally appointed by will, deed or otherwise, and who resides without the state, and has estate within the county, or who, though not having such estate, is within the county, upon petition of any friend of such person or any one interested in his estate,

in expectancy or otherwise. Before making such appointment, the court must cause notice to be given to all persons interested, in such manner as such court deems reasonable.

SEC. 450. Section eighteen hundred of said code is hereby amended to read as follows:

Section 1800. Upon complaint made by any guardian, ward, creditor, or other person interested in the estate, or having a prospective interest therein as heir or otherwise, against any one suspected of having concealed, embezzled, smuggled, or fraudulently disposed of, any of the money, goods, or effects, or an instrument in writing belonging to the ward or to his estate, the superior court may cite such suspected person to appear before such court, and may examine and proceed against him on such charge in the manner provided in this title with respect to persons suspected of and charged with concealing, embezzling, smuggling, or fraudulently disposing of the effects of a decedent.

SEC. 451. Section eighteen hundred and seven of said code is hereby amended to read as follows:

Section 1807. The court, in its discretion, whenever necessary, may appoint more than one guardian of any person subject to guardianship, each of whom must give a separate bond, and be governed and liable in all respects as a sole guardian.

SEC. 452. Section eighteen hundred and nine of said code is hereby amended to read as follows:

Section 1809. The provisions of sections ten hundred and fifty-six and ten hundred and fifty-seven are hereby declared to apply to guardians appointed by the court, and to the bonds taken or to be taken from such guardians, and to the sureties on such bonds.

SEC. 453. Section eighteen hundred and eighteen of said code is hereby amended to read as follows:

Section 1818. The sole trader must make and file with the clerk of the court an affidavit, in the following form:

I, A. B., do solemnly swear (or affirm) that this application was made in good faith, for the purpose of enabling me to support myself (and any dependent, such as husband, parents, sister, child, or the like, naming them, if any), and not with any view to defraud, delay, or hinder any creditor or creditors of my husband; and that of the moneys so to be used by me in business, not more than five hundred dollars have come either directly or indirectly from my husband.

A certified copy of the decree, with such oath indorsed thereon, must be recorded in the office of the recorder of the county where the business is to be carried on, in a book to be kept for such purpose.

SEC. 454. Section eighteen hundred and twenty-two of said code is hereby repealed.

SEC. 455. A new section is hereby added to said code, to be numbered eighteen hundred and twenty-two, and to read as follows:

Section 1822. Whenever any resident of this state, who owns, or is entitled to the possession of any real or personal property situate therein, is missing, or his whereabouts unknown, for ninety days, and a verified petition is presented to the superior court of the county of which he is a resident by his wife, or any of his family or friends representing that his whereabouts has been for such time, and still is, unknown, and that his estate requires attention, supervision, and care of ownership, the court must order such petition to be filed, and appoint a day for its hearing, not less than ten days from the date of the order. The clerk of the court must thereupon publish, for at least ten days prior to the day so appointed, a notice in some newspaper published in the county, stating that such petition will be heard at the court-room of the court at the time appointed for the hearing. The court may direct further notice of the application to be given in such manner and to such persons as it may deem proper. At the time so fixed for such hearing, or at any subsequent time to which the hearing may be postponed, the court must hear the petition and the evidence offered in support of or in opposition thereto, and, if satisfied that the allegations thereof are true, and that such person remains missing, and his whereabouts unknown, must appoint some suitable person to take charge and possession of such estate, and manage and control it under the direction of the court. In appointing a trustee, the court must prefer the wife of the missing person (if any such there is), or her nominee, and, in the absence of a wife, some person, if such there is, who is willing to act, entitled to participate in the distribution of the missing person's estate, were he dead.

SEC. 456. A new section is hereby added to said code, to be numbered eighteen hundred and twenty-two *a*, and to read as follows:

Section 1822*a*. Every person appointed under the provisions of the preceding section must give bond in the amount and as provided for in section thirteen hundred and eighty-eight.

SEC. 457. A new section is hereby added to said code, to be numbered eighteen hundred and twenty-two *b*, and to read as follows:

Section 1822*b*. The trustee must take possession of the real and personal estate in this state of such missing person, and collect and receive the rents, income and proceeds thereof, collect all indebtedness owing to him, and pay the expenses thereof out of the trust funds, and pay such indebtedness of the missing person as may be authorized by the court. The court may direct the trustee to pay to the person or persons constituting the family of the missing person such sum or sums of money for family expenses and support from the income of the estate as it may, from time to time, determine. The trustee must, from time to time, when directed by the court, account to and with it for

for all his acts as trustee, and the court may, at any time, upon good cause shown, remove any trustee, and appoint another in his place.

SEC. 458. Section eighteen hundred and twenty-five of said code is hereby amended to read as follows:

Section 1825. The law of evidence, which is the subject of this part of the code, is a collection of general rules established by law:

1. For declaring what is to be taken as true without proof;
2. For declaring the presumptions of law, both those which are disputable and those which are conclusive;
3. For the production of legal evidence;
4. For the exclusion of whatever is not legal; and
5. For determining, in certain cases, the value and effect of evidence.

SEC. 459. Section eighteen hundred and forty-eight of said code is hereby amended to read as follows:

Section 1848. The rights of a party cannot be prejudiced by the declaration, act, or omission of, or a proceeding against, another, except by virtue of a particular relation between them.

SEC. 460. Section eighteen hundred and fifty-one of said code is hereby amended to read as follows:

Section 1851. And where the question in dispute between the parties is the obligation or duty of a third person, whatever would be evidence for or against such person is evidence between the parties.

SEC. 461. Section eighteen hundred and fifty-two of said code is hereby amended to read as follows:

Section 1852. The declaration, act, or omission of a member of a family, who is a decedent, or out of the jurisdiction, is also admissible as evidence of common reputation, in cases where, on questions of pedigree, birth, parentage, age, marriage, death, or relationship, such reputation is admissible.

SEC. 462. Section eighteen hundred and fifty-five of said code is hereby amended to read as follows:

Section 1855. There can be no evidence of the contents of a writing, other than the writing itself, except in the following cases:

1. When the original has been lost or destroyed, or is beyond the jurisdiction of the court; in which case proof of such fact must first be made;
2. When the original is in the possession of the party against whom the evidence is offered, and he fails to produce it after reasonable notice;
3. When the original is a record or other document in the custody of a public officer;
4. When the original has been recorded, and a certified copy of the record is made evidence by this code or other statute;
5. When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time, and the evidence sought from them is only the general result of the whole.

In the cases mentioned in subdivisions three and four, a copy of the original or of the record must be produced; in those mentioned in subdivisions one and two, either a copy or oral evidence of the contents.

SEC. 463. Section eighteen hundred and seventy of said code is hereby amended to read as follows:

Section 1870. In conformity with the preceding provisions, evidence of the following facts may be given upon a trial:

1. The precise fact in dispute;
2. The act, declaration, or omission of a party, as evidence against such party;
3. An act or declaration of another, in the presence and within the observation of a party, and his conduct in relation thereto;
4. The act or declaration, verbal or written, of a person deceased or out of the jurisdiction of the court, in respect to the pedigree, birth, parentage, age, marriage, death, or relationship, of any person related by blood or marriage to such person; the act or declaration of a deceased person done or made against his interest in respect to his real property; and also in criminal actions, the act or declaration of a dying person, made under a sense of impending death, respecting the cause of his death;
5. After proof of a partnership or agency, the act or declaration of a partner or agent of the party, within the scope of the partnership or agency, and during its existence;
6. After proof of a conspiracy, the act or declaration of a conspirator, relating to the conspiracy, as evidence against his co-conspirator;
7. The act, declaration, or omission forming part of a transaction, as explained in section eighteen hundred and fifty;
8. The testimony of a witness deceased, or out of the jurisdiction, or unable to testify, given in a former action between the same parties, relating to the same matter;
9. The opinion of a witness respecting the identity or handwriting of a person, when he has knowledge of the person or handwriting; his opinion on a question of science, art, or trade, when he is skilled therein;
10. The opinion of a subscribing witness to a writing, the validity of which is in dispute, respecting the mental sanity of the signer; and the opinion of an intimate acquaintance respecting the mental sanity of a person, the reason for the opinion being given.
11. Common reputation existing previous to the controversy, respecting facts of a public or general interest more than thirty years old, and in cases of pedigree and boundary;

12. Usage, to explain the true character of an act, contract, or instrument, where such true character is not otherwise plain; but usage is never admissible, except as an instrument of interpretation;

13. Monuments and inscriptions in public places, as evidence of common reputation; and entries in family bibles, or other family books or charts, engravings on rings, family portraits, and the like, as evidence of pedigree, birth, parentage, age, marriage, death, or relationship of any member of such family;

14. The contents of a writing, when oral evidence thereof is admissible;

15. Any other facts from which the facts in issue are presumed or are logically inferable;

16. Such facts as serve to show the credibility of a witness, as explained in section eighteen hundred and forty-seven.

Sec. 464. Section eighteen hundred and seventy-five of said code is hereby amended to read as follows:

Section 1875. Courts take judicial notice of the following facts:

1. The true signification of all English words and phrases, and of all legal expressions;

2. Whatever is established by law;

3. Official acts of the legislative, executive, and judicial departments of this state and of the United States;

4. The seals of all the courts of this state, of the sister states, and of the United States;

5. The accession to office and the official signatures and seals of office of the principal officers of government in the legislative, executive, and judicial departments of this state and of the United States;

6. The existence, title, national flag, and seal of every state or sovereign recognized by the executive power of the United States;

7. The seals of courts of admiralty and maritime jurisdiction and of notaries public;

8. The laws of nature, the measure of time, and the geographical divisions and political history of the world.

In all these cases the court may resort for its aid to appropriate books or documents of reference.

Sec. 465. Section eighteen hundred and eighty of said code is hereby amended to read as follows:

Section 1880. The following persons cannot be witnesses:

1. Those who are of unsound mind at the time of their production for examination;

2. Children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly;

3. Upon the trial of an action or the hearing upon the merits of a special proceeding, a party or a person interested in the event, or a person from, through, or under whom such party or interested person derives his interest or title, by assignment or otherwise, or the husband or wife of any such party or person, must not be examined as a witness, in his own behalf or interest, or in behalf of the party succeeding to his title or interest, or in behalf of his or her husband or wife, against the executor, administrator, or survivor of a deceased person, or the guardian of an incompetent person, or a person deriving his title or interest from, through, or under a deceased or incompetent person by assignment or otherwise, as to any matter of fact occurring during the lifetime of such deceased person, or occurring while such incompetent person was competent.

4. In a case where the legitimacy of a child born in lawful wedlock is in issue, neither the husband nor the wife can, during the marriage or afterwards, be examined or testify as to any fact or circumstance tending to show the illegitimacy of such child.

Sec. 466. Section eighteen hundred and eighty-one of said code is hereby amended to read as follows:

Section 1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this provision does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other;

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity; but no communication is privileged under this subdivision when the same was made with the intention that it should be communicated to any person having an interest adverse to the client, or when the same was made in furtherance of a crime or fraud then being perpetrated or in contemplation of;

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs; nor as to any information obtained by him from a person about to make such confession, and received in the course of preparation for such confession;

4. A physician or surgeon, or the assistant of either of them, cannot, without the consent of the patient, be examined in a civil action as to any information acquired in

attending the patient, which was necessary to enable the physician or surgeon to prescribe or act for the patient; but this subdivision does not apply in an action between a physician or surgeon and his patient in which the treatment of the patient by the physician or surgeon is in issue; and *provided*, that in an action brought under section three hundred and seventy-six or three hundred and seventy-seven a physician or surgeon is competent to testify as to the cause of the death of the deceased;

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure.

Sec. 467. A new section is hereby added to said code, to be numbered eighteen hundred and eighty-two, and to read as follows:

Section 1882. Consent to the giving of such testimony as is mentioned in section eighteen hundred and eighty-one is conclusively implied in the following cases:

1. When the person who made any communication mentioned in that section testifies, without objection on his part, as to such communication or any part thereof, the person to whom such communication was made may be examined fully, in the same action or proceeding, as to such communication;

2. When a person employs an attorney to prepare his will, the attorney may, in any proceeding for the probate or revocation of probate of such will, testify as to the contents of such will if lost or destroyed, and as to all information and instructions received by him from the testator, in the course of the preparation or execution of such will, and relating thereto;

3. When a husband or wife has become incompetent or is dead, the other spouse may, in an action or proceeding to which the guardian or personal representative of such incompetent or deceased person is a party, and with the consent of such guardian or personal representative, testify as to communications made by such incompetent or deceased person, but must not be compelled to so testify;

4. In an action brought by the beneficiary to recover on a policy of life insurance, taken out by the person whose life was insured, a physician or surgeon may, with the consent of the beneficiary, testify as to any information acquired by him in attending the deceased, but must not be compelled to so testify.

Nothing in this section contained affects the right of the court to admit any of the testimony mentioned in section eighteen hundred and eighty-one, when no objection is seasonably interposed thereto, or when the court finds, as an inference from proper evidence, that the consent mentioned in that section has been given or implied.

Sec. 468. Section nineteen hundred and five of said code is hereby amended to read as follows:

Section 1905. A judicial record of this state, or of the United States, may be proved by the production of the original or by a copy thereof, certified by the clerk or other person having the legal custody thereof. That of a sister state may be proved by the attestation of the clerk, and the seal of the court annexed, if there are a clerk and seal, together with a certificate of the chief judge or presiding magistrate, that the attestation is in due form. If the record is that of a court of general jurisdiction, it is sufficient to produce the original judgment or decree, or a copy thereof, certified as herein provided, which is *prima facie* evidence of the jurisdiction of the court to enter it.

Sec. 469. Section nineteen hundred and six of said code is hereby amended to read as follows:

Section 1906. A judicial record of a foreign country may be proved by the certificate of the clerk, with the seal of the court annexed, if there are a clerk and seal, or of the legal keeper of the record, with the seal of his office annexed, if there is a seal, together with a certificate of the minister or ambassador, or a consul, vice-consul, or consular agent of the United States in such foreign country, to the effect that the signature of such person is the genuine signature of the clerk or other legal keeper of such record, that the same is a valid subsisting record of such country, and that the attestation is in due form.

Sec. 470. Section nineteen hundred and ten of said code is hereby amended to read as follows:

Section 1910. The parties are deemed to be the same when those between whom the evidence is offered were on opposite sides in the former case, though other parties were joined with both or either.

Sec. 471. Section nineteen hundred and fifteen of said code is hereby amended to read as follows:

Section 1915. The effect of the judgment of any other tribunal of a foreign country having jurisdiction to pronounce the judgment, is as follows:

1. In case of a judgment against a specific thing, the judgment is conclusive upon the title to the thing;

2. In all other cases the judgment is presumptive evidence of a right as between the parties and their successors in interest by a subsequent title, and can only be repelled by evidence of a want of jurisdiction, want of notice to the party, collusion, fraud, or clear mistake of law or fact.

Sec. 472. Section nineteen hundred and eighteen of said code is hereby amended to read as follows:

Section 1918. Other official documents may be proved as follows:

1. Acts of the executive of this state, by the records of the state department of the state, and acts of the executive of the United States, by the records of the state department of the United States, certified by the heads of those departments, respectively. They may also be proved by public documents printed by order of the legislature or congress, or either house thereof;

2. The proceedings of the legislature of this state, or of congress, by the journals of those bodies respectively, or either house thereof, or by published statutes or resolutions, or by copies certified by the clerk or printed by their order;

3. The acts of the executive, or the proceedings of the legislature of a sister state, in the same manner;

4. The acts of the executive, or the proceedings of the legislature of a foreign country, by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public act of the executive of the United States;

5. Acts of a municipal corporation of this state, or of a board or department thereof, by a copy, certified by the legal keeper thereof, or by a printed book published by the authority of such corporation;

6. Documents of any other class in this state, by the original, or by a copy, certified by the legal keeper thereof;

7. Documents of any other class in a sister state, by the original, or by a copy, certified by the legal keeper thereof, together with the certificate of the secretary of state, a judge of the supreme, superior, or county court, or mayor of a city of such state, that the copy is duly certified by the officer having the legal custody of the original;

8. Documents of any other class in a foreign country, by the original, or by a copy, certified by the legal keeper thereof, under his seal, if he has one, with a certificate of the minister or ambassador, or a consul, vice-consul, or consular agent of the United States in such foreign country, to the effect that the document is a valid and subsisting document of such country, and that the copy is duly certified by the officer having the custody of the original;

9. Documents in the departments of the United States government, by the certificate of the legal custodian thereof.

SEC. 473. Section nineteen hundred and twenty-one of said code is hereby amended to read as follows:

Section 1921. A transcript from the docket or other book of proceedings of a court not of record of a sister state, of a judgment rendered by such court, of the proceedings in the action before the judgment, and of the execution and return, if any, subscribed by a judge or justice of such court and certified in the manner prescribed in the next section, is evidence of the facts stated therein.

SEC. 474. Section nineteen hundred and twenty-two of said code is hereby amended to read as follows:

Section 1922. There must be attached to the transcript a certificate of a judge or justice of such court that the transcript is in all respects correct, and that such court had jurisdiction of the action, and also a certificate of the clerk or prothonotary of the county in which such court is held, under the seal of the county, or the seal of a court of record therein, certifying that the person subscribing the transcript was, at the date of such subscription, a judge or justice of the court in which the judgment was rendered, and that his signature is genuine. Such judgment, proceedings, and jurisdiction may also be proved by the judge or justice himself, on the production of his docket or other book of proceedings, or by a copy of the papers mentioned in section nineteen hundred and twenty-one, and his oral examination as a witness.

SEC. 475. Section nineteen hundred and twenty-five of said code is hereby amended to read as follows:

Section 1925. A certificate of purchase or of location of any lands in this state, issued or made in pursuance of any law of the United States or of this state, is prima facie evidence that the holder or assignee of such certificate is the owner of the land described therein; but this evidence may be overcome by proof that at the time of the location, or time of filing a pre-emption claim on which the certificate may have been issued, the land was in the adverse possession of the adverse party, or those under whom he claims, or that the adverse party is holding the land for mining purposes.

SEC. 476. Section nineteen hundred and thirty-five of said code is hereby amended to read as follows:

Section 1935. A subscribing witness is one who sees a writing executed, or hears a party thereto declare that it was executed by him, and who, at the request of such party, thereupon signs his name as a witness.

SEC. 477. Section nineteen hundred and thirty-seven of said code is hereby amended to read as follows:

Section 1937. When an impression of a letter is taken in a letter-press copybook before the mailing of the original, such letter-press copy must be deemed an original equally with the letter so copied, and may be read in evidence upon proof of the due mailing of the letter so copied.

SEC. 478. Section nineteen hundred and thirty-nine of said code is hereby amended to read as follows:

Section 1939. Though a writing called for by one party is produced by the other, and is thereupon inspected by the party calling for it, he is not obliged to introduce it as evidence in the case.

SEC. 479. Section nineteen hundred and forty-one of said code is hereby amended to read as follows:

Section 1941. Though a subscribing witness denies or does not recollect the execution of the writing, its execution may still be proved by other evidence.

SEC. 480. Section nineteen hundred and forty-two of said code is hereby amended to read as follows:

Section 1942. A writing may also be proved by evidence that the party against whom

it is offered has at any time admitted its execution, or by evidence that it is produced from his custody and has been acted upon by him as genuine.

SEC. 481. Section nineteen hundred and forty-three of said code is hereby amended to read as follows:

Section 1943. The handwriting of a person may be proved by any one who believes it to be his, and who has seen him write, or has seen writing purporting to be his, and upon which the supposed writer has acted or been charged, or which consists of letters received by the witness in due course of mail in response to letters duly addressed and mailed by him to the supposed writer, and who has thus acquired a knowledge of the handwriting of such person.

SEC. 482. Section nineteen hundred and forty-six of said code is hereby amended to read as follows:

Section 1946. The entries and other writings of a decedent, made at or near the time of the transaction, when he was in a position to know the facts stated therein, may be read as prima facie evidence of such facts, in the following cases:

1. When the entry was made against the interest of the person making it;
2. When it was made in a professional capacity, and in the ordinary course of professional conduct;
3. When it was made in the performance of a duty specially enjoined by law, contract, or employment.

SEC. 483. Section nineteen hundred and forty-seven of said code is hereby amended to read as follows:

Section 1947. Entries in original books of account or other business records, made in the regular and ordinary course of business, and at or near the time of the transaction, may be read as prima facie evidence of the facts stated therein, though the person making such entries is not deceased, if it appears that they were made as provided in this section and that they were intended to be correct. When such an entry is repeated in the regular course of business, one being copied from another at or near the time of the transaction, all the entries are equally regarded as originals.

SEC. 484. Section nineteen hundred and forty-eight of said code is hereby amended to read as follows:

Section 1948. Every private writing, except a will, may be acknowledged or proved and certified in the manner provided for the acknowledgment or proof of conveyances of real property, and the certificate of such acknowledgment or proof is prima facie evidence of the execution of the writing to the same extent as if it were a conveyance of real property.

SEC. 485. Section nineteen hundred and fifty-one of said code is hereby amended to read as follows:

Section 1951. Every instrument conveying or affecting real property, acknowledged or proved and certified, as provided in the Civil Code, may, together with the certificate of acknowledgment or proof, be read in evidence in an action or proceeding, without further proof; also, the original record of such conveyance or instrument thus acknowledged or proved, or a certified copy of the record of such conveyance or instrument thus acknowledged or proved, may be read in evidence, with the like effect as the original instrument, without further proof. Nothing contained in this section prevents the reading in evidence of any record, or any certified copy of a record, which may be read in evidence under the provisions of section twelve hundred and seven of the Civil Code.

SEC. 486. Section nineteen hundred and sixty-two of said code is hereby amended to read as follows:

Section 1962. The following presumptions, and no others, are deemed conclusive:

1. A malicious and guilty intent, from the deliberate commission of an unlawful act, for the purpose of injuring another;
2. The truth of the facts recited, from the recital in a written instrument between the parties thereto, or their successors in interest by a subsequent title; but this rule does not apply to the recital of a consideration;
3. Whenever a party has, by his own declaration, act, or omission, intentionally and deliberately led another to believe a particular thing true and to act upon such belief, he cannot, in any litigation arising out of such declaration, act, or omission, be permitted to falsify it;
4. A tenant is not permitted to deny the title of his landlord at the time of the commencement of the relation;
5. The issue of a wife cohabiting or residing with her husband is indisputably presumed to be legitimate;
6. The judgment or order of a court, when declared by this code to be conclusive; but such judgment or order must be alleged in the pleadings, if there is an opportunity to do so; if there is no such opportunity, the judgment or order may be used as evidence;
7. Any other presumption which, by statute, is expressly made conclusive.

SEC. 487. Section nineteen hundred and sixty-three of said code is hereby amended to read as follows:

Section 1963. All other presumptions are satisfactory, if uncontradicted. They are denominated disputable presumptions and may be controverted by other evidence. The following are of that kind:

1. That a person is innocent of crime or wrong;
2. That an unlawful act was done with an unlawful intent;
3. That a person intends the ordinary consequence of his voluntary act;
4. That a person takes ordinary care of his own concerns;

5. That evidence willfully suppressed would be adverse if produced ;
6. That higher evidence would be adverse from inferior being produced ;
7. That money paid by one to another was due to the latter ;
8. That a thing delivered by one to another belonged to the latter ;
9. That an obligation delivered up to the debtor has been paid ;
10. That former rent or installments have been paid when a receipt for later is produced ;
11. That things which a person possesses are owned by him ;
12. That a person is the owner of property from exercising acts of ownership over it, or from common reputation of his ownership ;
13. That a person in possession of an order on himself for the payment of money, or the delivery of a thing, has paid the money or delivered the thing accordingly ;
14. That a person acting in a public office was regularly elected or appointed to it ;
15. That official duty has been regularly performed ;
16. That a court or judge, acting as such, whether in this state or any other state or country, was acting in the lawful exercise of his jurisdiction.
17. That a judicial record, when not conclusive, does still correctly determine or set forth the rights of the parties ;
18. That all matters within an issue were laid before the court or jury and passed upon by them ; and in like manner, that all matters within a submission to arbitration were laid before the arbitrators and passed upon by them ;
19. That private transactions have been fair and regular ;
20. That the ordinary course of business has been followed ;
21. That a promissory note or bill of exchange was given or indorsed for a sufficient consideration ;
22. That an indorsement of a negotiable promissory note or bill of exchange was made at the time and place of making the note or bill ;
23. That a writing is truly dated ;
24. That a letter duly directed and mailed was received in the regular course of the mail ;
25. Identity of person from identity of name ;
26. That a person not heard from in seven years is dead ;
27. That acquiescence followed from a belief that the thing acquiesced in was conformable to the right or fact ;
28. That things have happened according to the ordinary course of nature and the ordinary habits of life ;
29. That persons acting as co-partners have entered into a contract of co-partnership ;
30. That a man and woman deporting themselves as husband and wife have entered into a lawful contract of marriage ;
31. That a child born in lawful wedlock, there being no divorce from bed and board, is legitimate ;
32. That a thing once proved to exist continues as long as is usual with things of that nature ;
33. That the law has been obeyed ;
34. That a document or writing more than thirty years old is genuine, when the same has been since generally acted upon as genuine by persons having an interest in the question, and its custody has been satisfactorily explained ;
35. That a printed and published book, purporting to be printed or published by public authority, was so printed or published ;
36. That a printed and published book, purporting to contain reports of cases adjudged in the tribunals of the state or country where the book is published, contains correct reports of such cases ;
37. That a trustee or other person, whose duty it was to convey real property to a particular person, has actually conveyed to him, when such presumption is necessary to perfect the title of such person or his successor in interest ;
38. The uninterrupted use by the public of land for a burial ground, for five years, with the consent of the owner and without a reservation of his rights, is presumptive evidence of his intention to dedicate it to the public for that purpose ;
39. That there was a good and sufficient consideration for a written contract ;
40. When two persons have had dealings together, and one receives from the other a written account or statement concerning such dealings, and fails to communicate with the other, within thirty days, any objection thereto, such account or statement is presumed to be correct ;
41. When two persons perish in the same calamity, such as a wreck, a battle, or a conflagration, and it is not shown who died first, and there are no particular circumstances from which it can be inferred, survivorship is presumed from the probabilities resulting from the strength, age, and sex, according to the following rules :
First—If both of those who have perished were under the age of fifteen years, the older is presumed to have survived ;
Second—If both were above the age of sixty, the younger is presumed to have survived ;
Third—If one is under fifteen and the other above sixty, the former is presumed to have survived ;
Fourth—If both are over fifteen and under sixty, and the sexes are different, the male is presumed to have survived. If the sexes are the same, then the older ;
Fifth—If one is under fifteen or over sixty, and the other between those ages, the latter is presumed to have survived.

SEC. 488. Section nineteen hundred and sixty-eight of said code is hereby amended to read as follows:

Section 1968. The evidence necessary to the validity and proof of wills and certain contracts is such as is provided in the Civil Code, and that necessary to the proof of certain crimes is such as is provided in the Penal Code.

SEC. 489. Section nineteen hundred and seventy-one of said code is hereby repealed.

SEC. 490. Section nineteen hundred and seventy-two of said code is hereby repealed.

SEC. 491. Section nineteen hundred and seventy-three of said code is hereby repealed.

SEC. 492. Section nineteen hundred and seventy-four of said code is hereby repealed.

SEC. 493. Section nineteen hundred and eighty-two of said code is hereby amended to read as follows:

Section 1982. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made without his concurrence, by another person with whom he is not in privity, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or effect of the instrument. If he does that, he may give the writing in evidence, but not otherwise.

SEC. 494. Section nineteen hundred and eighty-six of said code is hereby amended to read as follows:

Section 1986. A subpoena is issued as follows:

1. To require attendance before a court, or at the trial of an issue therein, or upon the taking of a deposition in an action or proceeding pending therein, it is issued by the clerk of the court in which the action or proceeding is pending, under the seal of the court, or if there is no clerk or seal then by a judge or justice of such court;

2. To require attendance before a commissioner appointed to take testimony by a court of a foreign country, or of the United States, or of any other state in the United States, or before any officer or officers empowered by the laws of the United States to take testimony, it may be issued by the clerk of the superior court of the county in which the witness is to be examined, under the seal of such court;

3. To require attendance out of court, in cases not provided for in subdivision one, before a judge, justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this state, it is issued by the judge, justice, or other officer before whom the attendance is required.

If the subpoena is issued to require attendance before a court, or at the trial of an issue therein, it is issued by the clerk, as of course, upon the application of the party desiring it. If it is issued to require attendance before a commissioner or other officer upon the taking of a deposition, it must be issued by the clerk of the superior court of the county wherein the attendance is required upon the order of such court or of a judge thereof, which order may be made *ex parte*.

SEC. 495. Section nineteen hundred and ninety-one of said code is hereby amended to read as follows:

Section 1991. Disobedience to a subpoena, or a refusal to be sworn, or to answer as a witness, or to subscribe an affidavit or deposition when required, may be punished as a contempt by the court issuing the subpoena. When the subpoena, in any such case, requires the attendance of the witness before an officer or commissioner out of court, it is the duty of such officer or commissioner to report any such disobedience or refusal to the court issuing the subpoena; and the witness must not be punished for any refusal to answer a question or to subscribe an affidavit or deposition, unless, after a hearing upon notice, the court orders him to so answer or subscribe, and then only for disobedience to such order. Any judge, justice, or other officer mentioned in subdivision three of section nineteen hundred and eighty-six, may report any such disobedience or refusal to the superior court of the county in which such attendance was required; and such court thereupon has power, upon notice, to order the witness to perform the omitted act, and any refusal or neglect to comply with such order may be punished as a contempt of such court.

SEC. 496. Section twenty hundred and six of said code is hereby amended to read as follows:

Section 2006. Depositions must be taken in the form of question and answer. The words of the witness must be written down, in the presence of the witness, by the officer taking the deposition, or by some indifferent person appointed by him. It may be taken down in shorthand, in which case it must be transcribed into longhand by the person who took it down. When completed, it must be carefully read to or by the witness and corrected by him in any particular, if desired, by writing, or causing his corrections to be written at the bottom of the deposition, and must then be subscribed by the witness. If the parties agree in writing to any other mode, the mode so agreed upon must be followed.

SEC. 497. Section twenty hundred and ten of said code is hereby amended to read as follows:

Section 2010. Evidence of the publication of a document or notice required to be published in a newspaper, may be given by the affidavit of the printer of the newspaper, or of his foreman or principal clerk, annexed to a copy of the document or notice, specifying the times when and the paper in which the publication was made.

SEC. 498. Section twenty hundred and twelve of said code is hereby amended to read as follows:

Section 2012. An affidavit to be used before any court, judge, or officer of this state may be taken before any officer authorized to administer oaths.

SEC. 499. Section twenty hundred and thirteen of said code is hereby amended to read as follows:

Section 2013. An affidavit taken in another state of the United States, to be used in this state, may be taken before a commissioner appointed by the governor of this state to take affidavits and depositions in such other state, or before any notary public in another state, or before any clerk of a court of record having a seal.

SEC. 500. Section twenty hundred and fourteen of said code is hereby amended to read as follows:

Section 2014. An affidavit taken in a foreign country to be used in this state, may be taken before an ambassador, minister, consul, vice-consul, or consular agent of the United States, or before any clerk of a court of record having a seal, in such foreign country.

SEC. 501. Section twenty hundred and fifteen of said code is hereby repealed.

SEC. 502. Section twenty hundred and twenty of said code is hereby amended to read as follows:

Section 2020. The testimony of a witness may be taken by deposition, in an action, at any time after the service of the summons or the appearance of the defendant; and, in a special proceeding, at any time after a question of fact has arisen therein.

SEC. 503. Section twenty hundred and twenty-one of said code is hereby amended to read as follows:

Section 2021. A deposition taken and returned, as provided in this chapter, may, except as provided in section twenty hundred and thirty-two, be read in evidence by either party at any stage of the action or proceeding in which it was taken, or in any other action or proceeding between the same parties or their privies or successors in interest upon the same subject, and is then deemed the evidence of the party reading it; but the court may exclude the same if it appears that the taking thereof was in any material respect unfair.

SEC. 504. Section twenty hundred and twenty-two of said code is hereby amended to read as follows:

Section 2022. If an adverse party is in default for not appearing and answering within the time allowed by law or the court, or if, in a special proceeding, some or all of the parties interested have not appeared, the court may authorize a deposition to be taken without the service of any affidavit upon, or the giving of any notice to, the party so in default or not appearing, or may provide that notice be given to him in such mode as to the court may seem proper.

SEC. 505. Section twenty hundred and twenty-four of said code is hereby amended to read as follows:

Section 2024. The deposition of a witness out of this state may be taken upon a commission issued from the court under the seal of the court, upon an order of the court, or a judge or a justice thereof, on the application of either party, upon five days' previous notice to the other. If the court is a justice's court, the commission must have attached to it a certificate of the clerk of the superior court of the county in which such justice's court is held, under the seal of such superior court, to the effect that the person issuing the same was an acting justice of the peace at the date of the commission. If issued to any place within the United States, it may be directed to a person agreed upon by the parties, or if they do not agree, to any judge or justice of the peace or commissioner selected by the court or judge or justice issuing it. If issued to any country out of the United States, it may be directed to a minister, ambassador, consul, vice-consul, or consular agent of the United States in such country, or to any person agreed upon by the parties.

SEC. 506. Section twenty hundred and twenty-five of said code is hereby amended to read as follows:

Section 2025. The party moving for the commission must, unless it is waived by the other party, attach to the notice of the motion the interrogatories upon which he desires it to be taken. On the hearing of the motion, the other party must propose such cross-interrogatories as he may desire. If the parties do not agree as to the form of the interrogatories, the court must settle their form, but such agreement or settlement does not preclude either party, when the deposition is offered in evidence, from interposing any objection to any interrogatory except as to the form thereof. The settlement of interrogatories may be had at the time of the hearing of the motion, or at any other time which the court may appoint; but the moving party must, if he request it, be allowed two days within which to propose such redirect interrogatories as the cross-interrogatories proposed render proper. When agreed upon or settled, the interrogatories must be annexed to the commission; or, when the parties agree to that mode, or the court on the application of either party, for good cause shown, so directs, the examination must be without written interrogatories.

SEC. 507. Section twenty hundred and twenty-six of said code is hereby amended to read as follows:

Section 2026. The commission must authorize the commissioner to administer an oath to the witness and to take his deposition in answer to the interrogatories, or when the examination is to be without interrogatories, in respect to the question in dispute, and to certify the deposition to the court, in a sealed envelope, directed to the clerk, and forwarded to him by mail or other usual channel of conveyance.

SEC. 508. Section twenty hundred and twenty-eight of said code is hereby amended to read as follows:

Section 2028. Whenever it appears to the court that the testimony of a witness in a foreign country is material and necessary, and that the laws of such country do not

permit the execution of a commission to take his testimony, the court must settle interrogatories as provided in section twenty hundred and twenty-five, and forward the same to the governor, with a request that he obtain from the government of the United States letters rogatory for the taking of such testimony. The governor must thereupon transmit the interrogatories to the President of the United States, with a request, on behalf of this state, that he cause letters rogatory to be issued and transmitted to the government of such foreign country, requesting such government to cause the deposition of the witness to be taken in response to the interrogatories; or the court before which the deposition is to be used may, instead of forwarding such interrogatories to the governor, designate a court of such foreign country before which the testimony of such witness may be taken, and thereupon the clerk of the court must attach to such interrogatories a request, attested by his hand and the seal of the court, soliciting and requesting such foreign court to cause the deposition of such witness to be taken in response to such interrogatories. Any deposition taken in response to such request or to such letters may be read in evidence as provided in section twenty hundred and twenty-two, if the court is satisfied that the same was fairly taken and returned.

SEC. 509. Section twenty hundred and thirty-one of said code is hereby amended to read as follows:

Section 2031. Either party may have the deposition of a witness in this state taken before a judge or officer authorized to administer oaths, on serving upon the adverse party previous notice of the time and place of examination. Such notice must be at least five days, adding also one day for every twenty-five miles of the distance of the place of examination from the residence of the person to whom the notice is given, unless, for good cause shown, a judge of the court, by order, prescribes a shorter time. When a shorter time is prescribed, a copy of the order must be served with the notice.

SEC. 510. Section twenty hundred and thirty-two of said code is hereby amended to read as follows:

Section 2032. Either party may attend the examination and put such questions, direct and cross, as may be proper. The deposition must be certified by the judge or officer taking the deposition, inclosed in an envelope or wrapper, sealed, and directed to the clerk of the court in which the action or proceeding is pending, and either delivered by the judge or officer to the clerk, or transmitted through the mail or by some safe private opportunity; and thereupon such deposition may be used by either party upon the trial or other proceeding against any party giving or receiving the notice, subject to all legal objections; but if the parties attend at the examination, no objection to the form of an interrogatory shall be made at the trial, unless the same was stated at the time of the examination. The deposition cannot be read unless proof is made at the trial that the witness is absent from the county in which his testimony is to be used, or resides out of such county and more than thirty miles from the county seat thereof, or that he is too infirm to attend the trial, or is dead; but such proof need not be made when the witness is a party to the action or proceeding, or, when his deposition was taken, resided out of the county and more than thirty miles from the county seat, nor when the testimony is produced on a motion, or in any other case where the oral examination of the witness is not required. The costs of taking the deposition are in the discretion of the court.

SEC. 511. Section twenty hundred and thirty-three of said code is hereby repealed.

SEC. 512. Section twenty hundred and thirty-four of said code is hereby repealed.

SEC. 513. Section twenty hundred and thirty-six of said code is hereby amended to read as follows:

Section 2036. If a commission to take such testimony has been issued by the court before which such action or proceeding is pending, or by a judge thereof, on exhibiting the commission to the superior court of the county in which the witness resides, with an affidavit showing the materiality of his testimony, such superior court may issue a subpoena to the witness, requiring him to appear and testify before the commissioner named in the commission, at a specified time and place within such county.

SEC. 514. Section twenty hundred and thirty-seven of said code is hereby amended to read as follows:

Section 2037. If a commission has not been issued, and it appears to a judge of the superior court, or to a justice of the peace, by affidavit satisfactory to him:

1. That the testimony of the witness is material to either party, and that he resides in the county in which such judge or justice holds office;

2. That a commission to take the testimony of such witness has not been issued;

3. That, according to the law of the state where the action or special proceeding is pending, the deposition of a witness taken under such circumstances, and before such judge or justice, will be received in the action or proceeding;

—He must issue his subpoena requiring the witness to appear and testify before him at a specified time and place.

SEC. 515. Section twenty hundred and forty-three of said code is hereby amended to read as follows:

Section 2043. If either party requires it, the judge may exclude from the court-room any witness of the adverse party not at the time under examination, so that he may not hear the testimony of other witnesses; but a party to the action or proceeding cannot be so excluded; and if a corporation is a party thereto, it is entitled to the presence of one of its officers, to be designated by its attorney.

Sec. 516. Section twenty hundred and fifty-four of said code is hereby amended to read as follows:

Section 2054. Whenever a writing is shown to a witness, it may be inspected by the opposite party, and no question must be put to the witness concerning a writing until it has been so shown to him.

Sec. 517. Section twenty hundred and sixty-four of said code is hereby amended to read as follows:

Section 2064. A witness, served with a subpoena, must attend at the time appointed, with any papers under his control lawfully required by the subpoena and answer all pertinent and legal questions; and, unless sooner discharged, must remain until the testimony is closed.

Sec. 518. Section twenty hundred and seventy of said code is hereby amended to read as follows:

Section 2070. The court or officer before whom the attendance is required, may discharge the witness from an arrest made in violation of section twenty hundred and sixty-seven. If the court has adjourned before the arrest, or before application for the discharge, a judge of the court may grant the discharge.

Sec. 519. Section twenty hundred and ninety-four of said code is hereby amended to read as follows:

Section 2094. An oath, or affirmation, in an action or proceeding, may be administered as follows, the person who swears or affirms, expressing his assent when addressed in the following form: "You do solemnly swear (or affirm, as the case may be) that the evidence you shall give in this issue (or matter) pending between —— and ——, shall be truth, the whole truth, and nothing but the truth."

Sec. 520. Section twenty hundred and ninety-seven of said code is hereby repealed.

Sec. 521. Section twenty-one hundred and four of said code is hereby repealed.

Sec. 522. Certain title and chapter headings of the said Code of Civil Procedure are hereby inserted, changed and amended, as hereinafter provided.

1. The title heading preceding section four hundred and five of said code to read as follows:

TITLE V.

OF THE MANNER OF COMMENCING CIVIL ACTIONS.

Sec. 405. Actions, how commenced.

Sec. 406. Complaint, how indorsed. When summons may be issued, and how waived.

Sec. 407. Summons, how issued, directed, and what to contain.

Sec. 408. Alias summons.

Sec. 409. Notice of the pendency of an action affecting the title to real property.

Sec. 410. Summons, how served and returned.

Sec. 411. How served.

Sec. 412. Publication when defendant is absent from the state, concealed, or a foreign corporation having no agent, etc.

Sec. 413. Manner of publication and appointment of attorney.

Sec. 414. Proceeding where there are several defendants, and part only are served.

Sec. 415. Proof of service, how made.

Sec. 416. When jurisdiction of action acquired.

Sec. 417. Undertaking on behalf of plaintiff in actions for slander or libel.

Sec. 418. Justification of sureties in action for slander or libel.

2. The chapter heading preceding section four hundred and thirty of said code to read as follows:

CHAPTER III.

DEMURRER TO THE COMPLAINT.

Sec. 430. When defendant may demur.

Sec. 431. Demurrer must specify, etc. May be taken to part. May answer and demur at same time.

Sec. 433. Objection not appearing on complaint, may be taken by answer.

Sec. 434. Objections when deemed waived.

3. The chapter heading preceding section five hundred and thirty-seven of said code to read as follows:

CHAPTER IV.

ATTACHMENT.

Sec. 537. Attachment when and in what cases may issue.

Sec. 538. Affidavit for attachment, what to contain.

Sec. 539. Undertaking on attachment.

Sec. 540. Writ, to whom directed, and what to state.

Sec. 541. Shares of stock and debts due defendant, how attached and disposed of.

Sec. 542. How real and personal property shall be attached.

Sec. 543. Attorney to give written instructions to sheriff what to attach.

Sec. 544. Garnishment, when garnishee liable to plaintiff.

Sec. 545. Citation to garnishee to appear before a court or judge.

Sec. 546. Inventory, how made. Party refusing to give memorandum may be compelled to pay costs.

- Sec. 547. Perishable property, how sold. Accounts without suit to be collected.
Sec. 548. Property attached may be sold as under execution, if the interest of the parties require.
Sec. 549. When property claimed by a third party, how tried.
Sec. 550. If plaintiff obtains judgment, how satisfied.
Sec. 551. When there remains a balance due, how collected.
Sec. 552. When suits may be commenced on the undertaking.
Sec. 553. If the defendant recovers judgment, what the sheriff is to deliver.
Sec. 554. Proceedings to release attachment, before whom taken.
Sec. 555. Attachment, in what cases it may be released and upon what terms.
Sec. 556. When a motion to discharge attachment may be made, and upon what grounds.
Sec. 557. When motion made on affidavit, it may be opposed by affidavit.
Sec. 558. When writ must be discharged.
Sec. 559. When writ to be returned.
Sec. 560. Release of attachment on real property.
4. The chapter heading preceding section five hundred and seventy-seven of said code to read as follows:

CHAPTER I.

JUDGMENT IN GENERAL.

- Sec. 577. Judgments defined and classified.
Sec. 578. Judgment may be for or against one of the parties.
Sec. 579. Judgment may be against one party and action proceed as to others.
Sec. 580. The relief to be awarded to the plaintiff.
Sec. 581. Action may be dismissed or non-suit entered.
Sec. 582. Dismissal for failure to issue or return summons.
Sec. 583. All other judgments are on the merits.
5. The chapter heading preceding section six hundred and eighty-one of said code to read as follows:

CHAPTER I.

THE EXECUTION.

- Sec. 681. Within what time execution may issue.
Sec. 682. Who may issue the execution, its form, to whom directed, and what it shall require.
Sec. 683. When made returnable.
Sec. 684. Money judgments, and others, how enforced.
Sec. 685. Execution after five years.
Sec. 686. When execution may issue against the property of a party after his death.
Sec. 687. Execution, how and to whom issued.
Sec. 688. What shall be liable to be seized in execution. Not to be affected till a levy is made.
Sec. 689. When property is claimed by a third party, how the right of property is tried.
Sec. 690. What exempt from execution.
Sec. 691. Writ, how executed.
Sec. 692. Notice of sale under execution, how given.
Sec. 693. Selling without notice, when penalty attached.
Sec. 694. Sales, how conducted. Neither the officer conducting it nor his deputy to be a purchaser. Real and personal property, how sold. Judgment debtor, if present, may direct order of sale, and the officer shall follow his directions.
Sec. 695. If purchaser refuses to pay purchase money, what proceedings.
Sec. 696. Court of justice may proceed in a summary manner against a purchaser refusing to pay. - Officer may refuse such purchaser's bid after.
Sec. 697. These two sections not to make officer liable beyond a certain amount.
Sec. 698. Personal property, not capable of manual delivery, how delivered to purchaser.
Sec. 699. Personal property, not capable of manual delivery, how sold and delivered.
Sec. 700. Title to real property passing by the sale thereof.
Sec. 700a. Redemption from, and certificate of, sale.
Sec. 701. Real property so sold, by whom it may be redeemed.
Sec. 702. When it may be redeemed, and redemption money.
Sec. 703. When judgment debtor or other redemptioner may redeem.
Sec. 704. In cases of redemption, to whom the judgments are to be made.
Sec. 705. What a redemptioner must do in order to redeem.
Sec. 706. Until the expiration of redemption time, court may restrain waste on the property. What considered waste.
Sec. 707. Rents and profits.
Sec. 708. If the purchaser of real property be evicted for irregularities in sales, what he may recover and from whom. When judgment to be revived. Petition for the purpose how and by whom made.
Sec. 709. Party who pays more than his share may compel contribution.
6. The chapter heading preceding section seven hundred and thirty-one of said code to read as follows:

CHAPTER II.

ACTIONS FOR NUISANCES.

Sec. 731. Nuisance defined, and what actions may be brought therefor.

7. The chapter heading preceding section seven hundred and thirty-eight of said code to read as follows:

CHAPTER III.

ACTIONS TO DETERMINE CONFLICTING CLAIMS TO REAL PROPERTY, AND OTHER PROVISIONS RELATING TO ACTIONS CONCERNING REAL ESTATE.

Sec. 738. Parties to an action to quiet title.

Sec. 739. When plaintiff cannot recover costs.

Sec. 740. If plaintiff's title terminates pending the suit, what he may recover, and how verdict and judgment to be.

Sec. 741. When value of improvements can be allowed as a set-off.

Sec. 742. An order may be made to allow a party to survey and measure the land in dispute.

Sec. 743. Order, what to contain, and how served. If unnecessary injury done, the party surveying to be liable therefor.

Sec. 746. Damages may be recovered for injury to the possession after sale and before delivery of possession.

Sec. 747. Action not to be prejudiced by alienation, pending suit.

Sec. 748. Mining claims, actions concerning to be governed by local rules.

8. The title heading preceding section nine hundred and thirty-four of said code to read as follows:

CHAPTER I.

APPEALS IN GENERAL.

Sec. 934. Judgments and orders may be reviewed.

Sec. 935. Vacating and modifying orders when made out of court and without notice.

Sec. 936. Who may appeal.

Sec. 937. The effect of the appeal and the giving of security.

Sec. 938. Administrators, executors, and guardians, bonds of stand as security.

Sec. 938a. Effect of the reversal of an order appointing an administrator, executor, or guardian.

9. That a chapter heading be inserted after section nine hundred and thirty-eight of said code to read as follows:

CHAPTER II.

APPEALS TO THE SUPREME COURT.

Sec. 939. When and from whom an appeal may be taken.

Sec. 940. Appeal, how may be taken.

Sec. 941. Security or undertaking.

Sec. 942. Undertaking or security to stay a judgment for money.

Sec. 943. Undertaking or security to stay a judgment for the delivery of documents or personal property.

Sec. 944. Undertaking or security to stay a judgment for the execution of a conveyance.

Sec. 945. Undertaking or security to stay a judgment for the sale or delivery of possession of real property.

Sec. 947. Undertaking may be in one instrument or several.

Sec. 948. Justification of sureties on undertaking on appeal.

Sec. 949. Undertaking in cases not otherwise specified.

Sec. 950. Papers to be furnished and used on an appeal from a judgment.

Sec. 951. What papers used on appeals from orders, except orders granting or refusing new trials.

Sec. 952. What papers to be used on an appeal from an order granting or refusing a new trial.

Sec. 953. Copies and undertakings, how certified.

Sec. 954. When appeal may be dismissed. When not.

Sec. 955. Effect of dismissal.

Sec. 956. Action which may be taken by the supreme court.

Sec. 957. Remedial powers of an appellate court.

Sec. 958. On judgment on appeal, remittitur must be certified to the clerk of the court below.

10. The chapter heading chapter two of title thirteen of part two of said code is hereby repealed.

11. The chapter heading preceding section nine hundred and seventy-four of said code read as follows:

CHAPTER III.

APPEALS TO THE SUPERIOR COURT.

Sec. 974. Appeal from judgment of justice's or police court.

Sec. 977. Transmission of papers to appellate court.

Sec. 978. Undertaking on appeal to the superior court.

Sec. 979. Stay of proceedings on filing undertaking.

Sec. 980. Powers of superior court on appeal.

12. The chapter heading preceding section ten hundred and three of said code to read as follows:

CHAPTER IV.

MOTIONS AND ORDERS.

Sec. 1003. Order and motion defined.

Sec. 1004. Motions and orders where made.

Sec. 1005. Notice of motion, at what time to be given.

Sec. 1006. Transfer of motions and orders to show cause.

Sec. 1007. Order for payment of money, how enforced.

Sec. 1008. Orders have no effect until entered or filed.

13. The chapter heading preceding section eleven hundred and nine of said code to read as follows:

CHAPTER V.

RULES OF PRACTICE.

Sec. 1109. In proceedings for writs of review, mandate, or prohibition.

Sec. 1110. Real party in interest must be named and served with notices and other papers.

14. The title heading preceding section eleven hundred and eleven of said code to read as follows:

TITLE II.

OF CONTESTING CERTAIN ELECTIONS.

Sec. 1111. Who may contest, and grounds for.

Sec. 1112. Irregularity and improper conduct of judges, when to annul elections.

Sec. 1113. When not to.

Sec. 1114. Illegal votes, when not to vitiate election.

Sec. 1115. Proceedings on contest.

Sec. 1116. Statement of cause of contest. When based on reception of illegal votes, contestants to deliver to respondent a list of votes claimed to be illegal.

Sec. 1117. Statement of cause of contest; want of form not to vitiate.

Sec. 1118. Special sessions for trial of contest.

Sec. 1119. Clerk to issue citation to respondent.

Sec. 1120. Witnesses—attendance of, how enforced.

Sec. 1121. Power of court. Adjournment of court.

Sec. 1122. Rules to govern court in trial of contest.

Sec. 1123. Court may declare who was elected.

Sec. 1124. Contests where the canvassing board has declared a tie to exist.

Sec. 1125. Costs.

Sec. 1126. Appeal.

Sec. 1127. When election void and office vacant.

15. The chapter heading preceding section eleven hundred and eighty-three of said code to read as follows:

CHAPTER II.

LIENS OF MECHANICS AND OTHERS UPON REAL PROPERTY.

Sec. 1183. Persons entitled to liens. What contracts must be in writing.

Sec. 1184. Payment, mode and time of. Notice to owners.

Sec. 1185. What interest in the land subject to the lien.

Sec. 1186. Effect of liens.

Sec. 1187. Claim of lien to be filed in recorder's office.

Sec. 1188. Lien upon two or more pieces of property. Amount due from each to be designated.

Sec. 1189. Claim to be recorded. Fees of recorder.

Sec. 1190. Time of continuance of lien.

Sec. 1191. Liens on lots in incorporated cities and towns.

Sec. 1192. Subcontractors, who are, and when paid out of proceeds.

Sec. 1193. Costs.

Sec. 1194. Court to declare rank of liens.

Sec. 1195. Execution for deficit.

Sec. 1197. Lien does not impair right to proceed for recovery of the debt.

Sec. 1198. Rules of practice.

Sec. 1199. New trial and appeals.

Sec. 1200. Failure or abandonment.

Sec. 1201. Waiver of claims.

Sec. 1202. False claims.

Sec. 1203. Bond of contractor to be filed.

16. The chapter heading preceding section twelve hundred and four of said code to read as follows:

CHAPTER III.

CERTAIN LIENS FOR SALARY AND WAGES.

- Sec. 1204. Preferred creditors when assignment of property is made.
- Sec. 1205. Same against estates.
- Sec. 1206. Same in cases of execution or attachment.
- Sec. 1207. Dispute of claim, or some portion thereof—costs.
- Sec. 1208. Distribution of proceeds where the entire claims cannot be paid.

17. The title heading of the article preceding section twelve hundred and ninety-eight of said code to read as follows:

ARTICLE I.

PETITION, NOTICE, AND PROOF.

- Sec. 1298. Custodian of will to deliver same, to whom. Penalty.
- Sec. 1299. Who may petition for probate of will.
- Sec. 1300. Contents of petition.
- Sec. 1301. When executor forfeits right to letters.
- Sec. 1302. Will in possession of third person production of, how enforced.
- Sec. 1303. Notice of petition for probate, how given.
- Sec. 1304. Heirs and named executors to be notified, how.
- Sec. 1305. Petition may be presented to judge at chambers, and what judge may do.
- Sec. 1306. Hearing proof of will after proof of service of notice.
- Sec. 1307. Proceedings where there is no contest.
- Sec. 1308. Testimony reduced to writing for future evidence.
- Sec. 1309. Proof of olographic wills.
- Sec. 1310. Certificate of the proof and of the facts found.
- Sec. 1311. Filing and recording will, certificates of proof and testimony.

18. The heading of article second of title eleven of part three of said code to read as follows:

ARTICLE II.

CONTESTING PROBATE OF WILLS.

- Sec. 1314. Opposition to the probate of the will, answer thereto and proceedings for the trial thereof.
- Sec. 1315. Impaneling jury and mode of trial.
- Sec. 1316. Verdict of the jury and proceedings thereon.
- Sec. 1317. Examination of the subscribing witnesses.
- Sec. 1318. Certificate of proof of will after trial of contest.

19. The heading of article one preceding section thirteen hundred and forty-eight of said code to read as follows:

ARTICLE I.

LETTERS TESTAMENTARY AND OF ADMINISTRATION, WITH THE WILL ANNEXED, HOW AND TO WHOM ISSUED.

- Sec. 1348. Corporations as executors.
- Sec. 1349. To whom letters on proved will to issue.
- Sec. 1350. Who incompetent to serve as executor.
- Sec. 1351. Objection to granting letters testamentary, who may make.
- Sec. 1352. Married women as executrices.
- Sec. 1353. Executor of an executor.
- Sec. 1354. Minority, or absence from the state, of the person named as executor.
- Sec. 1355. Less than the whole number of executors, when may act.
- Sec. 1356. Administrator with the will annexed.

20. The article heading preceding section fourteen hundred and seventy-four of said code to read as follows:

ARTICLE II.

PROCEEDINGS TO SET ASIDE HOMESTEADS.

- Sec. 1474. Homestead selected in the lifetime of the decedent, not exceeding five thousand dollars in value.
- Sec. 1475. Homesteads appraised at more than five thousand dollars.
- Sec. 1476. Proceedings where all the appraisers do not concur.
- Sec. 1477. Hearing of the appraisers' report and the action of the court thereon.
- Sec. 1478. Sale of the homestead when it is not capable of division.
- Sec. 1479. Right of claimants to pay the excess in value of the homestead.
- Sec. 1480. Selection of homestead by the court when none has been by the decedent.
- Sec. 1481. Liens upon homesteads, when may be enforced.
- Sec. 1482. Rights of successors to homestead interests.
- Sec. 1483. Costs, how to be paid.
- Sec. 1484. Recording final orders.

21. The chapter heading preceding section fifteen hundred and eighty-one of said code to read as follows:

CHAPTER VIII.

OF THE POWERS AND DUTIES OF EXECUTORS AND ADMINISTRATORS, AND OF THE MANAGEMENT OF ESTATES.

Sec. 1581. Right of possession of the executor or administrator. Of the heirs or devisees.

Sec. 1582. Suits for property which may be brought by or against executors or administrators.

Sec. 1583. Actions for waste, trespass, or conversion.

Sec. 1584. Actions by executors or administrators to enforce trusts. Distribution to executor or administrator in trust for the estate.

Sec. 1585. Surviving partner to settle up business. Interest therein to be appraised. Account to be rendered.

Sec. 1586. Actions on bond of executor or administrator may be brought by another administrator.

Sec. 1587. What executors are not parties to actions.

Sec. 1588. Power to compound or compromise debts.

Sec. 1589. Recovery of property fraudulently disposed of by testator.

Sec. 1590. Executor or administrator, when need not sue for the benefit of creditors.

Sec. 1591. Disposition of proceeds of property fraudulently transferred.

Sec. 1592. Investment in securities for the benefit of the estate.

22. The heading of the article preceding section sixteen hundred and twenty-two of said code to read as follows:

ARTICLE II.

ACCOUNTING AND SETTLEMENTS BY EXECUTORS AND ADMINISTRATORS.

Sec. 1622. Exhibit of receipts and disbursements and claims allowed.

Sec. 1626. Objections to account, who may file.

Sec. 1627. Attachment for not obeying citation.

Sec. 1628. To render accounts at expiration of term.

Sec. 1629. Executor to account after his authority revoked.

Sec. 1630. Revoking authority of executor, when.

Sec. 1631. To produce and file vouchers, which remain in court.

Sec. 1632. Vouchers for items less than twenty dollars, when accepted.

Sec. 1633. Day of settlement to be appointed, and notice thereof.

Sec. 1634. Final settlement, partition, and distribution made at same time.

Sec. 1635. Interested party may file exceptions to account.

Sec. 1636. All matters may be contested by the heirs. Hearing.

Sec. 1637. Settlement of accounts to be conclusive, when and when not.

Sec. 1638. Proof of notice of settlement of accounts.

Sec. 1639. Settlement of the accounts of an executor, or administrator after his death.

23. The heading of article one of chapter fourteen of title fifteen of part three of said code to read as follows:

ARTICLE I.

GUARDIAN OF RESIDENT MINORS.

Sec. 1747. Courts to appoint guardians on petition and after notice.

Sec. 1748. Minor, when may nominate his guardian.

Sec. 1749. Court, when may nominate guardian.

Sec. 1750. Right of minor under guardianship to nominate another guardian.

Sec. 1751. Who entitled to be preferred in the appointment of guardians.

Sec. 1753. Power of guardians of the person and of the estate of the ward, respectively.

Sec. 1754. Bond of guardian, conditions of.

Sec. 1755. Probate judge may insert conditions in order appointing guardian.

Sec. 1756. Letters of guardianship and bond of guardian to be recorded.

Sec. 1757. Maintenance of minor out of income of his own property.

Sec. 1758. Guardian, when must give bonds.

Sec. 1759. Power of courts to appoint guardian and next friend not impaired.

Sec. 1760. Guardian appointed by parent, power of, when suspended.

24. The title heading following section eighteen hundred and twenty-one of said code to read:

TITLE XIII.

ESTATES OF MISSING PERSONS.

Sec. 1822. Trustees of the estates of missing persons. Appointment of by the court.

Sec. 1822a. Bonds to be given by trustees.

Sec. 1822b. Powers and duties of trustees.

25. The chapter heading preceding section nineteen hundred and sixty-seven of said code to read as follows:

CHAPTER VI.

INDISPENSABLE EVIDENCE.

- Sec. 1967. Indispensable evidence, what.
- Sec. 1968. Evidence necessary to prove certain wills and contracts.
- Sec. 1969. Will to be in writing.
- Sec. 1970. Representation as to credit of a third person.

26. The heading of the article preceding section twenty hundred and nineteen of said code to read as follows:

ARTICLE III.

DEPOSITIONS.

- Sec. 2019. Depositions, when may be used.
- Sec. 2020. Depositions, when may be taken.
- Sec. 2021. Depositions, when may be read in evidence.
- Sec. 2022. Mode of taking when adverse party is in default.

27. The heading of the article preceding section twenty hundred and twenty-four of said code to read as follows:

ARTICLE IV.

MANNER OF TAKING DEPOSITIONS OUT OF THE STATE.

- Sec. 2024. Commissions to take depositions of witnesses out of the state.
- Sec. 2025. Interrogatories to be annexed to deposition, how presented and settled.
- Sec. 2026. Authorities and duties of commissioner.
- Sec. 2027. Trial, when postponed for reason of non-return of commission.
- Sec. 2028. Mode of procuring testimony of a witness in a foreign country.
- Sec. 513. This act takes effect on the first moment of the first day of July, nineteen hundred and one.

The following amendments were offered to the substitute previously printed and submitted by the committee:

By Senator Byrnes:

Amend by striking out of Section 17 all of lines two and one half to fifteen, inclusive, except the words "Section 103."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Smith of Kern, Goad, and Taylor.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Curtin, Goad, Greenwell, Lardner, Lukens, Muentner, Shortridge, Smith of Kern, Taylor, and Wolfe—13.

NOES—Senators Cutter, Davis, Devlin, Hoey, Laird, Maggard, Nutt, Plunkett, Selvage, and Smith of Los Angeles—10.

Also:

Amend by striking out of Section 17, line sixteen, the words "and such," and begin the word "justices" with a capital "J."

Amendment adopted.

At eleven o'clock and five minutes A. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

By Senator Devlin:

Amend by striking out of Section 26, line twenty-eight, the words "counter affidavits may be filed at," and all of lines twenty-nine, thirty, thirty-one, and thirty-two, and the words "of judges be had," in line thirty-three.

Amendment adopted.

By Senator Curtin:

Amend by striking out of Section 30, line twelve, the words "and all statements, remarks, and arguments of counsel."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Cutter, Goad, and Tyrrell of San Francisco.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Goad, Greenwell, Hoey, Laird, Luchsinger, Lukens, Nelson, Rowell, Simpson, Tyrrell of San Francisco, Welch, and Wolfe—18.

NOES—Senators Belshaw, Davis, Devlin, Flint, Lardner, Leavitt, Nutt, Selvage, Shortridge, Smith of Los Angeles, and Taylor—11.

At eleven o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

By Senator Devlin:

Amend by striking out of Section 32, lines thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five.

Amendment adopted.

By Senator Cutter:

Amend by inserting in Section 30, line twelve, after the word "taken," the words "the arguments of the prosecuting attorney to the jury."

Amendment adopted.

By Senator Lukens:

Amend by striking out of Section 32, line nine, the word "twenty," and inserting the word "fifteen."

Amendment adopted.

Also:

Amend by striking out of Section 32, line ten, the word "fifteen," and inserting the word "twelve."

Amendment adopted.

Also:

Amend by striking out of Section 32, line eleven, the word "eleven," and inserting the word "nine."

Amendment adopted.

Also:

Amend by striking out of Section 32, line twelve and one half, the word "nine," and inserting the words "six and one quarter."

Amendment adopted.

Also:

Amend by striking out of Section 32, line thirteen, the word "eight," and inserting the word "five."

Amendment adopted.

By Senator Curtin:

Amend by striking out of Section 35 all of lines twenty-two, twenty-three, and twenty-four.

Amendment adopted.

Also:

Amend by striking out of Section 35, line five, the words "or by a superior court."

Amendment adopted.

Also:

Amend Section 38 by adding to line seven, page thirteen, printed bill, the following words: "provided, that in action to recover lands held and operated as mining claims such inclosure shall not be necessary."

Amendment adopted.

FURTHER CONSIDERATION OF SPECIAL ORDER POSTPONED.

On motion of Senator Smith of Kern, further consideration of above special order was postponed, to immediately follow consideration of special file of Assembly bills of this day.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

On motion of Senator Devlin, consideration of special order heretofore set for this hour—being the consideration of the report of the special committee on prisons—was postponed until Tuesday, February 19, 1901, at eleven o'clock A. M.

COMMUNICATION.

The following communication was received and read, and ordered printed in the Journal:

THE MUNICIPAL LEAGUE OF SAN FRANCISCO,
SAN FRANCISCO, February 12, 1901.

To the President of the Senate of the State of California:

At a meeting of the Municipal League of San Francisco, held on Monday evening at Assembly Hall, Mills Building, the following resolutions were adopted:

Resolved by the Municipal League, in meeting assembled, That we oppose all measures now pending before the Legislature having for their object the appointment of State Quarantine Officer at San Francisco and the establishment of a State quarantine, as we believe that the Federal quarantine now established is sufficient to handle the business in proper shape;

Resolved, further, That we indorse the measure pending before the Senate having for its object the appropriation of the sum of \$100,000 for the purpose of investigating and preventing the spread of contagious diseases in the State, and preventing the same from entering the State;

Resolved, further, That a copy of these resolutions be forwarded to the President of the Senate, Governor of this State, and the San Francisco Senatorial delegation.

THE MUNICIPAL LEAGUE OF SAN FRANCISCO.

By NAPH. B. GREENSFELDER, Vice-President.

ISIDOR JACOBS, Chairman Committee on Legislation.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 240—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Also: Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing the punishment therefor.

Also: Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Also: Senate Bill No. 59—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III of the Political Code, relating to the school law of the State of California.

Also: Senate Bill No. 291—An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Also: Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

Also: Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument by a person confined in the State Prison under life sentence, and prescribing the punishment therefor.

Also: Senate Bill No. 279—An Act to amend Section 237 of the Penal Code of California, relating to the punishment for false imprisonment.

Also: Senate Bill No. 180—An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 240, 42, 23, 59, 291, 292, 341, 279, and 180 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 12, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 84—An Act levying fees on corporations of other States and of foreign countries, and giving the proceeds to the University of California.

Also: Senate Bill No. 85—An Act amending subdivision two of Section 416 of the Political Code by increasing the fees for filing articles of incorporation, and disposing of the proceeds.

Also: Senate Bill No. 86—An Act placing a fee on granting naturalization and giving the proceeds to the University of California.

Have had the same under consideration, and respectfully report the same back, and inasmuch as the committee has offered a substitute therefor covering the same subjects, recommend that they be withdrawn by the authors.

Also: Senate Bill No. 303—An Act making an appropriation to pay the judgment of J. R. Hanify, plaintiff, against the State of California, defendant, numbered 91,512 in Justice Court of the City and County of San Francisco, judgment rendered February 7, 1899—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 269—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 560—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose—have had the same under consideration, and respectfully report the same back without recommendation.

S. C. SMITH, Chairman.

Senate Bill No. 303 and Assembly Bills Nos. 269 and 560 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Rowell asked for unanimous consent to withdraw Senate Bills Nos. 84, 85, and 86.

Consent granted.

Bills withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Assembly Bill No. 230—An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and punish persons violating the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MAGGARD, Chairman.

Assembly Bill No. 230 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the sum of \$50, upon the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same, the said sum to be used for the purchase of stamps to be used by the press-mailing clerks.

Also:

Resolved, That the State Controller is hereby authorized and directed to draw his warrant in favor of C. M. Belshaw for the sum of \$98.40, payable out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same, this amount

being the actual traveling expenses of the special committee appointed to visit San Quentin and Folsom State prisons.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Tyrrell of Nevada, and Tyrrell of San Francisco—25.

NOES—None.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 15—Proposed amendment to Article VI of the Constitution, relative to the judiciary and establishing Courts of Appeal.

Also: Senate Constitutional Amendment No. 16—Proposed amendment to Article V, relative to declaring elections of Governor.

Also: Senate Constitutional Amendment No. 17—Proposed amendment to Article IV thereof, relating to the time of assembling of the Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

CALDWELL, Chairman.

Senate Constitutional Amendments Nos. 15, 16, and 17 ordered on file.

ON MANUFACTURES.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Manufactures, to whom was referred Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CORLETT, Chairman.

Senate Bill No. 556 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Lardner: Senate Bill No. 558—An Act making an appropriation of \$20,000 for the expenses of maintaining, repairing, improving, and protecting the Lake Tahoe Wagon Road, together with its bridges and culverts, during the fifty-third and fifty-fourth fiscal years.

Bill read first time, and referred to Committee on Highways.

By Committee on Finance: Senate Bill No. 559—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Bill read first time, and ordered on file.

Also: Senate Bill No. 560—An Act requiring corporations organized under the laws of another State, Territory, or foreign country to file a certified copy of their articles of incorporation in the office of the Secretary of State, and a certified copy thereof, duly certified by the Secretary of State of this State, in the office of the County Clerk of the county where its principal place of business is located, and also such corporation to pay to the Secretary of State the same fees as are paid by corporations formed under the laws of the State of California, and providing for a penalty for the violation of the provisions of this Act.

Bill read first time, and ordered on file.

By Senator Leavitt: Senate Bill No. 561—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock, except for medicinal purposes, and making the same a misdemeanor.

Bill read first time, and referred to Committee on Agriculture.

By Senator Caldwell: Senate Constitutional Amendment No. 15—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 16—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 17—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature.

Referred to Committee on Constitutional Amendments.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Plunkett, Rowell, Selvaige, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Welch—24.

Quorum present.

LEAVE OF ABSENCE.

Senator Bettman was granted leave of absence for the day, on motion of Senator Tyrrell of San Francisco.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 154—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-second fiscal year.

Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874.

Senate Bill No. 24—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Senate Bill No. 52—An Act to provide for the payment of the claim of John E. Raker, District Attorney, Modoc County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate.

Senate Bill No. 125—An Act to amend Chapter III of Title II of Part II of the Code of Civil Procedure of the State of California by adding a section thereto, to be known as Section 349, relating to the time of commencing action to contest assessments under the "Local Improvement Act of 1901."

Senate Bill No. 126—An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the "Local Improvement Act of 1901."

Senate Bill No. 38—An Act appropriating money for the purchase of lumber and fencing material for the use of the Preston School of Industry.

Senate Bill No. 206—An Act making an appropriation to pay the claim of A. L. Wood for \$300.

Senate Bill No. 39—An Act to amend Section 470 of the Political Code of the State of California, relating to the duties of the Attorney-General.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of February, 1901, at eleven o'clock and fifty-two minutes A. M.

Also: That they have examined and found the following bill correctly reëngrossed:

Senate Bill No. 168—An Act entitled an Act making it unlawful for the State Board of Prison Directors or the State Prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State in the manufacturing, cutting, or dressing any curbing or crosswalk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State Prison buildings and walls, cut stone for arches in bridges and culverts, for use on State highways, county or district roads.

NELSON, Chairman.

Senate Bill No. 168 ordered on file for passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 474—An Act to prevent fraud in the sale of Paris green used as an insecticide.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Belshaw moved a call of the Senate.

Motion carried.

Time, two o'clock and ten minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Corlett, Cutter, Flint, Hoey, Lardner, Leavitt, Luelsinger, Lukens, Maggard, Muentner, Nelson, Plunkett, Rowell, Selvage, Shorridge, Simpson, Smith of Kern, Taylor, and Welch—22.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and thirteen minutes P. M., Senators Smith of Los Angeles and Greenwell were brought to the bar of the Senate, and, on motion of Senator Lukens, were excused for absence from the Senate chamber.

At two o'clock and fifteen minutes P. M., Senators Goad and Caldwell were brought to the bar of the Senate, and, on motion of Senator Belshaw, were excused.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and eighteen minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 474 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Cutter, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Tyrrell of San Francisco, and Welch—24.

NOES—Senators Shortridge, and Smith of Los Angeles—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An Act to amend Sections 2568, 2570, and 2571 of the Political Code, and to repeal Section 2569 of the Political Code, all relating to the Harbor Commissioners for the Port of Eureka, and to add two new sections to the Political Code, to be known as Sections 2569 and 2569½, also relating to the Harbor Commissioners for the Port of Eureka.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 44 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Cutter, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 314—An Act to amend Section 180 of the Penal Code of the State of California, relating to the bringing into the State prisons, or any of the reformatories therein, or within the grounds of such institutions, any opium, morphine, cocaine, or other narcotics, intoxicating liquors of any kind, or firearms, weapons, or explosives, and fixing the penalty therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 97—An Act to amend Section 1895 of the Political Code of the State of California, relating to the persons subject to military duty and to those who may constitute military organizations, in the military service of the State.

During second reading of bill, the following amendment was offered by Senator Belshaw:

Amend by striking out of the enacting clause the word "the," before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print and third reading.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour for the consideration of special order, Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, Senator Curtin moved that consideration of special order be postponed until Thursday, February 14, 1901, immediately after consideration of special file of Assembly bills.

Senator Smith of Kern moved to amend the motion by fixing the time for consideration to follow the regular order after introduction of bills.

The question being on the motion of Senator Smith of Kern.

The same was lost.

The question then being on the motion to postpone until immediately after consideration of special file of Assembly bills.

The roll was called, and the motion carried by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Muenster, Nutt, Plunkett, Rowell, Selvage, Simpson, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—27.

NOES—None.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Cutter:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate in the sum of \$117.83, in favor of W. O. Banks, Sergeant-at-Arms of the Assembly, the same being for one half the expenses incident to the Electoral College ceremonies in the Assembly Chamber on the 14th day of January, 1901; and that the resolution adopted February 6, 1901, directing the payment of \$129.08 for the same purpose, be and the same is hereby rescinded.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That D. N. Knowles be elected Clerk to the Lieutenant-Governor, to serve for the remainder of the present session, at a per diem of \$4, payable out of the Contingent Fund of the Senate.

Also: That the Committee on County Governments be allowed a stenographer, to be appointed by the chairman, at a per diem of \$5, payable out of the Contingent Fund of the Senate.

Resolution read.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Plunkett, Rowell, Shortridge, Simpson, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—28.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens,

Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—28.
NOES—None.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

The following bill was introduced, and referred to committee as indicated:

By Senator Devlin: Senate Bill No. 562—An Act entitled “An Act to amend an Act to provide for the organization and government of irrigation districts, and to provide the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes,” approved March 31, 1897, and to add a new section thereto, enlarging the powers of boards of directors of such districts.

Bill read first time, and referred to Committee on Irrigation.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 168—An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts, or cities and towns, and grout and rough rock for rip-rap work and restraining walls on embankments, also top material and waste for grading purposes in preparing any State quarry for use and development, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 168 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 56—An Act to amend Section 530 of an Act “to establish a Political Code,” relating to the office of Superintendent of State Printing, and providing for the appointment of such officer by the Governor.

Passed on file, and ordered to foot of file.

Senate Bill No. 407—An Act to amend an Act entitled “An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled ‘An Act to protect and promote the horticultural interests of the State,’ approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891,” approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 407 passed by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Taylor, and Tyrrell of San Francisco—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and numbered as Section 402a, relating to the manufacture, sale, exchange, barter, dispensing, or giving away any cigarettes, cigarette paper, or cigarette wrappers within the State of California, and fixing a penalty therefor.

Senator Cutter moved to refer bill to Committee on Health.

The question being on the motion to refer.

The ayes and noes were demanded by Senators Cutter, Laird, and Nutt.

The roll was called, and the motion lost by the following vote:

AYES—Senators Burnett, Cutter, Goad, Hoey, Laird, Lardner, Luchsinger, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, and Welch—14.

NOES—Senators Ashe, Byrnes, Caldwell, Currier, Curtin, Davis, Greenwell, Leavitt, Lukens, Muenster, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—15.

At three o'clock and twenty minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Simpson moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that Senate Bill No. 91 was refused passage by the following vote:

AYES—Senators Ashe, Currier, Greenwell, Lardner, Leavitt, Lukens, Selvage, Simpson, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—11.

NOES—Senators Burnett, Byrnes, Curtin, Cutter, Devlin, Hoey, Luchsinger, Maggard, Nelson, Nutt, Rowell, Shortridge, Tyrrell of San Francisco, and Wolfe—14.

Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Currier, Cutter, Devlin, Flint, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenster, Nelson, Plunkett, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Davis and Laird—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 142—An Act to amend an Act entitled "An Act to provide for the

classification of municipal corporations," approved March 2, 1883, as amended by Chapter 262 of the laws of 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 140—An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Assembly Bills Nos. 140 and 142 ordered on file for second reading.

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Senate Bill No. 537—An Act to amend Section 3519 of the Political Code of the State of California, relating to swamp and overflowed land—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Senate Bill No. 537 ordered on file for second reading.

At three o'clock and fifty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

SECOND READING OF BILL.

Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1549, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1817, 1818, 1819, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools.

During the further second reading of bill, the following amendments were offered:

Amend Section 2 by adding the following, numbered "subdivision fifteenth," at end of Section 2:

"Except in incorporated cities having boards of education, to advise with trustees in regard to all plans and specifications for school houses, and in regard to the purchase of all school furniture and apparatus. To enable the superintendent to do this, school trustees, except in incorporated cities having boards of education, before adopting any plans or specifications for school houses, or before entering into any contract for school furniture or apparatus, must submit such plans and specifications, or contract, to the superintendent for his advice and recommendation."

Amendment adopted.

MOTION TO RECONSIDER.

Senator Belshaw moved to reconsider the vote whereby the following amendment—

Amend by striking out in Section 18, lines twenty-three and twenty-four, all after the word "unless," in line twenty-three, page fifteen, printed bill, and inserting the following: "Such furniture or apparatus has been adopted by the County Board of Education"—

was on February 7, 1901, adopted, be now reconsidered.

Motion carried.

The following amendments were offered:

By Senator Belshaw:

Strike out subdivision three, and insert in lieu thereof the following:

"Third—To purchase school furniture, including pianos, organs, and apparatus; *provided*, that except in incorporated cities having boards of education, school trustees, before entering into any contract for school furniture, or apparatus, must submit said contract to the County Superintendent of Schools for his advice."

Amendment adopted.

By Senator Taylor:

Amend by striking out the word "sixty," in line ten, Section 20, page nineteen, printed bill, and inserting in lieu thereof, the word "fifty."

Amendment adopted.

By Senator Lardner:

Amend by inserting the word "ten" before the word "pupils," in line one hundred and thirty-eight, page six, of amended bill.

Amendment adopted.

Also:

Strike out the word "July," in lines one hundred and nine and one hundred and eleven, on page six of amended printed bill, and insert the word "May."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words and figures "twelve thousand (\$12,000)." in line one, Section 1, first page, printed bill, and inserting in lieu thereof the following: "five thousand (\$5,000)."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words and figures "twelve thousand (\$12,000)." in line three of Section 2, first page, printed bill, and inserting in lieu thereof the following: "five thousand (\$5,000)."

Amendment adopted.

The following amendment was offered by Senator Hoey:

Amend by inserting the following after the title: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

PROPOSED COMMITTEE SUBSTITUTES FOR BILLS ORDERED PRINTED.

On motion of Senator Smith of Kern, proposed Committee Substitute for Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools—was ordered printed.

On motion of Senator Tyrrell of San Francisco, proposed Committee Substitute for Senate Bill No. 333—An Act making an appropriation to pay the claim of William Cronan for extra work performed in the construction of the Union Depot and Ferry House at San Francisco—was ordered printed.

On motion of Senator Cutter, proposed Committee Substitute for Senate Bill No. 356—An Act making an appropriation to pay the claim of Bateman Bros. for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco—was ordered printed.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 14, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—24.

Quorum present.

PRAYER.

Prayer by the Rev. F. W. Fisher, of Sacramento.

READING OF JOURNAL.

The Journal of Wednesday, February 13, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, February 8, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Bettman was granted a leave of absence for the day, on motion of Senator Tyrrell of San Francisco.

Senator Oneal was granted a leave of absence for the day, on motion of Senator Flint.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Also: Senate Bill No. 201—An Act to define and establish a portion of the eastern boundary of the State of California.

Also: Senate Bill No. 204—An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works in the fifty-first fiscal year, and directing from what source such payment shall be made.

Also: Denied second reading to Senate Bill No. 200—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893.

Also: Passed Assembly Bill No. 176—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Also: Assembly Bill No. 407—An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1889.

Also: Adopted Senate Joint Resolution No. 7—Relative to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

Also: Refused to concur in Senate amendments to Assembly Bill No. 254—An Act to promote the apicultural interests of the State of California by providing County Inspectors of Apiaries, and defining their duties and providing for their compensation, and repealing the Act entitled "An Act to authorize the Boards of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their

compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883 and respectfully request that your honorable body *recede* therefrom.

Also: Concurred in Senate amendments to Assembly Bill No. 284—An Act for the regulation of the practice of medicine and surgery in the State of California, and for appointment of a Board of Medical Examiners in the matter of said regulation.

Also: Assembly Bill No. 240—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Also: Assembly Bill No. 82—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by adding a new section thereto, to be numbered Section 12.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 259, 201, and 204 ordered to enrollment.

Assembly Bill No. 176 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 407 read first time, and referred to Committee on Labor and Capital.

Senate Joint Resolution No. 7 ordered to enrollment.

On motion of Senator Leavitt, consideration of the Assembly's request to *recede* from amendments to Assembly Bill No. 254 was postponed until to-morrow.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 95—An Act to amend Section 1170 of the Penal Code, relating to exceptions that may be taken by the defendant on the trial of an indictment or information.

Also: Assembly Bill No. 377—An Act to amend Section 1392 of the Penal Code, in relation to witnesses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 127—An Act to provide for a lunch hour for laborers, in saw-mills, shakemills, shingle-mills, and logging-camps—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 538—An Act to provide for the payment of judgments against counties, cities, cities and counties, and towns—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 513—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 162—An Act to amend Sections 1548 and 1152 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 312—An Act to provide for the payment of judgments against counties, cities and counties, and towns—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by author, the same subject being covered by Senate Bill No. 538.

Also: Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to Deputy Superintendents of Schools of counties, cities, and cities and counties, and providing for a clerk and stenographers for County Superintendents for cities and counties and for counties of the first class—have had the same under consideration, and respectfully report the same back without recommendation.

DAVIS, Chairman.

Assembly Bills Nos. 95, 377, and 127, and Senate Bills Nos. 538, 513, 162, and 164 ordered on file for second reading.

Senator Lukens asked for unanimous consent to withdraw Senate Bill No. 312.

Consent granted.

Bill withdrawn, and ordered stricken from the file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 519—An Act to provide for the purchase of sewing machines for replacing the sewing machines now worn out in the tailor shop and girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 387—An Act to provide for a segregated hospital building, and for further equipping the Deaf, Dumb, and Blind Asylum at Berkeley.

Also: Senate Bill No. 517—An Act to provide for the purchase of library books, periodicals, and magazines for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 520—An Act to provide for the purchase and installation of additional bath-tubs for the girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Also: Assembly Bill No. 80—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 519, 387, 517, 520, 557, 539, 540, 541, and Assembly Bill No. 80 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommends the adoption of the following resolutions:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$209.05, in payment of the following several bills, and the Treasurer is directed to pay the same:

John Breuner Co. (34 small bills).....	\$200 55
J. O. Coleman, Postmaster (P. O. box rent).....	5 00
Sunset Telephone Co. (18 days' rent of phones).....	3 50
Total.....	\$209 05

Also:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate in the sum of \$117.83 in favor of W. O. Banks, Sergeant-at-Arms of the Assembly, the same being for one half the expenses incident to the Electoral College ceremonies in the Assembly Chamber on the 14th day of January, 1901; and that the resolution adopted February 6, 1901, directing the payment of \$129.08 for the same purpose, be and the same is hereby rescinded.

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt,

Plunkett, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—25.

None—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and to prevent dissemination of scab among sheep.

Also: That they have examined and found the following bills correctly engrossed:

Senate Bill No. 4—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance of, by, or between men, animals or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had: and to provide a punishment for the violation of this Act.

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 6907, relating to and defining the offense of burning structures and other property under \$25 in value, not subject to arson, and specifying the penalty therefor.

NELSON, Chairman.

Senate Bill No. 374 ordered on file for passage.

Senate Bills Nos. 4, 381, and 71 ordered on file for third reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 332—An Act to provide for Prosecuting Attorneys of Police Courts in cities of the second class, and regulating the compensation of such officers.

Also: Senate Bill No. 470—An Act to establish Police Courts in cities of the third class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof.

Also: Assembly Bill No. 271—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State.

Also: Assembly Bill No. 139—An Act to amend Section 193 of the Code of Civil Procedure.

Also: Assembly Bill No. 175—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the Marshal.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TAYLOR, Chairman.

Assembly Bills Nos. 271, 139, 175, and Senate Bills Nos. 332 and 470 ordered on file for second reading.

ON COUNTY GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: Your Committee on County Governments, to whom was referred Senate Bill No. 386—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to officers of a township—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 355—An Act providing for the submission and enactment of ordinances by the direct vote of the qualified voters of counties, cities, and towns—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bills Nos. 386 and 355 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Belshaw: Senate Bill No. 563—An Act to amend Section 2712 of the Political Code, relating to the construction, maintenance, and repairs of bridges and tunnels or the purchase of toll-roads.

Bill read first time, and referred to Committee on Highways.

By Senator Luchsinger: Senate Bill No. 564—An Act to add a new section to the Political Code, to be known as Section 2647 of the Political Code, relating to the duties and powers of Boards of Supervisors respecting roads.

Bill read first time, and referred to Committee on Highways.

By Senator Nutt: Senate Bill No. 565—An Act to amend Sections 3666, 3667, 3668, 3669, and 3670 of the Political Code of the State of California, relating to the collection of State, county, city and county, township, road, school, and other local district taxes levied upon property of railways assessed by the State Board of Equalization.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Fish and Game: Senate Bill No. 566—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Bill read first time, and ordered on file.

By Senator Smith of Los Angeles: Senate Bill No. 567—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 568—An Act to amend Section 1197 of the Political Code, relating to elections.

Bill read first time, and referred to Committee on Elections.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That A. R. Waters be elected committee clerk, at a per diem of \$4, payable out of the Contingent Fund of the Senate, vice J. H. Cope, resigned.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Ashe:

WHEREAS, There are now pending in Congress bills to provide for the reimbursement of Mrs. Jessie Benton Fremont for her property seized by the United States Government for military purposes at Point San José (Black Point), in San Francisco, in 1863, and for the relief of all other persons claiming under the same title, and having been ejected at the same time; and

WHEREAS, Mrs. Fremont is now a resident of California, and is, by reason of her age and physical disability, in need of the financial aid which is her just due; and

WHEREAS, The nobility of character of Mrs. Fremont, and the distinguished services to this State and this Coast of herself and her illustrious husband, General John C. Fremont, the historic "Pathfinder," entitle her to special consideration, not only from Californians, but from all Americans; therefore, be it

Resolved, That this Senate of California most earnestly petitions the Congress of the United States, and respectfully urges the Senators and Representatives, to favorably pass the claim of Mrs. Jessie Benton Fremont, and give her the speedy relief and financial aid which are her just due, of which she is now in need; and

Resolved, That copies of these resolutions be at once forwarded by the President of the Senate to the honorable Senators Thomas R. Bard and George C. Perkins, and to our California Congressmen.

Resolution read and adopted.

By Senator Leavitt:

Resolved, That the sum of \$649.40 is hereby appropriated out of the Contingent Fund of the Senate for the purpose of paying the expenses attendant upon the committee appointed at the thirty-third session of the California Legislature for the purpose of investigating the State Printing Office, the said amount to be paid to the following-named persons, in the amount set opposite their names, and the Controller is hereby directed to draw his warrant in payment for same, and the Treasurer is directed to pay same:

Charles M. Shortridge.....	\$110 60
R. Porter Ashe.....	105 50
F. J. Brandon, clerk.....	367 30
Nora Andrews, stenographer.....	50 00
M. Doyle, stenographer.....	10 00
S. I. Hannum.....	6 00
Total	\$649 40

Resolution read, and referred to Committee on Contingent Expenses.

RESIGNATION.

The following resignation was received and accepted:

SENATE CHAMBER, SACRAMENTO, February 13, 1901.

To the President and Senate of the State of California:

I hereby respectfully resign my position as committee clerk of said Senate.

J. H. COPE.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolutions:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Honorable T. H. Selvage for the sum of \$3.20, balance due him by law for mileage, and the Treasurer is directed to pay the same.

Also:

Resolved, That A. R. Waters be elected committee clerk at a per diem of \$4, payable out of the Contingent Fund of the Senate, vice J. H. Cope, resigned.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

Resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Dextin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muenier, Nelson, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, and Taylor—24.

NOES—None.

REPORT OF COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 246—An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Senate Bill No. 42—An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of Leland Stanford Junior University.

Senate Bill No. 59—An Act to amend Sections 1637 and 1638 of Chapter III, Title III, Part III of the Political Code, relating to the school laws of the State of California.

Senate Bill No. 291—An Act to amend Section 1639 of the Code of Civil Procedure, relating to settlements of accounts of trustees after distribution of estates, and to compensation of trustees.

Senate Bill No. 292—An Act to amend Section 726 of the Code of Civil Procedure relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions.

Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument by a person confined in the State prison under life sentence, and prescribing the punishment therefor.

Senate Bill No. 279—An Act to amend Section 237 of the Penal Code of California, relating to the punishment for false imprisonment.

Senate Bill No. 180—An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 14th day of February, 1901, at eleven o'clock and twenty-five minutes A.M.

NELSON, Chairman.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Substitute for Senate Bill No. 19—A proposed Act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penalties for the infraction thereof and means for the enforcement of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Substitute for Senate Bill No. 19 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 56—An Act to amend Section 530 of an Act "to establish a Political Code," relating to the office of Superintendent of State Printing, and providing for the appointment of such officer by the Governor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 56 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Goad, Greenwell, Hoey, Leavitt, Lukens, Muentner, Nelson, Nutt, Plunkett, Selvage, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—21.

NOES—Senators Burnett, Lardner, Luchsinger, Maggard, Rowell, Simpson, Smith of Kern, and Tyrrell of Nevada—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "the" in the enacting clause, first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 116.

An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code and to title eight, chapter ten thereof, to be numbered two hundred and fifty-eight, as follows:

Section 258. Every person who, other than in a privileged communication, falsely, maliciously, and verbally, and to three or more persons, separately or collectively, makes a statement which charges any person with crime, or with having been indicted, convicted, or punished for crime, or tends directly to injure him in respect to his office, profession, trade or business, or imputes to him impotence or want of chastity, or which exposes him to hatred, contempt, ridicule or obloquy, is guilty of a misdemeanor.

SEC. 2. This Act to take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 114—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be numbered 637½, providing for the protection of wild birds and their eggs and nests.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "already," in line eight, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line thirteen, first page, printed bill, after the word "sparrow," the following: "bluejay, robin (*merula migratoria*), house finch (*carpodacus mexicanus frontalis*), great horned-owl (*bubo virginianus*), cooper's hawk (*accipiter cooperi*), sharp-shinned hawk (*accipiter velox*), and goshawk.

Amendment adopted.

The following amendment was offered by Senator Taylor:

Amend by inserting in Section 1, line seventeen, page two, after the word "granted," the following: "by the State Board of Fish Commissioners."

Amendment adopted.

Senate Bill No. 114 re-ordered to print, engrossment, and third reading.

Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 450—An Act to amend an Act entitled "An Act making it unlawful to refuse admission to places of amusement."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered Section 1975, relating to the proof of proceedings of municipal corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 305—An Act regulating the hours of service on

regular duty by members of the police department of cities and counties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 235—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 236—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the Marshal.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL ON FILE.

Senator Burnett asked for unanimous consent to withdraw Senate Bill No. 351—An Act to protect the manufacturing industries of this State—and substitute Senate Bill No. 473 therefor on file.

Consent granted.

Senate Bill No. 351 withdrawn from the file, and Senate Bill No. 473 substituted therefor on file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 473—An Act adding a new section to the Political Code of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out after "3248" all of line four, up to and including line forty-six, of the printed bill, and inserting in lieu thereof the following: "All goods, wares, and merchandise made by convict labor in any penitentiary, prison, reformatory, or other establishment in which convict labor is employed, shall, before being sold or exposed for sale within this State, be branded, labeled, or marked in plain letters 'convict made'; *provided*, that nothing in this section shall be applicable to any article manufactured in the penal institutions of this State according to law. Every person who violates the provisions of this section shall be guilty of a misdemeanor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 409—An Act to amend Section 963 of the Code of Civil Procedure.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 53—An Act entitled an Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions in this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 366—An Act to authorize suits against the State concerning certain real property, and regulating the procedure therein.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "Superior Court of the City and County of San Francisco," in line seventeen, second page, printed bill, and inserting in lieu thereof the following: "in any court of competent jurisdiction in said State."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

On motion of Senator Lukens, the consideration of Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto;

Also: Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto;

Also: Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto;

Was made a special order for Friday, February 15, 1901, immediately after the reading of the Journal.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 231—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication, and the taking of affidavits to be used in procuring the order for publication of summons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "herein," in line fifteen, first page, printed bill, and inserting in lieu thereof the word "therein."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "any court in which an," in line twenty-three, second page, printed bill, and inserting in lieu thereof the words "the court in which any."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "and make an," in line twenty-eight, second page, printed bill, and all of lines twenty-nine, thirty, thirty-one, and thirty-two, second page, printed bill, and inserting in lieu thereof the following: "and answer under oath such questions as may be propounded to such person regarding the residence of defendant, which testimony must be reduced to writing, and signed and sworn to by such person, and thereafter certified to by the person directed to take such testimony to the clerk of the court in which such action is pending, and when so filed may be considered by the court in determining the residence of the defendant for the purpose of making the order of publication of summons as in this section provided."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting between the words "of" and "procedure," in the first line of the title of bill, first page, printed bill, the word "civil."

Amendment adopted.

Senate Bill No. 231 read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 320—An Act to provide in whose name title to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and the amendments thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 12—An Act to validate certain acts and proceedings had under an Act of the Legislature of the State of California entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 209—An Act to amend an Act entitled "An Act to amend Sections 5, 6, and 11 of an Act entitled 'An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County,'" approved March 20, 1874.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 209.

An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874, is amended so as to read as follows:

Section 11. The directors shall receive no compensation for their services as such directors. The Assessor shall be paid \$3 per day while in the discharge of his official duties, and the County Treasurer, as ex officio Tax Collector of said district, shall receive one per cent on all moneys collected by him for the use of the district.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "four," in line nine, Section 1, first page, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "for the remainder of the fifty-second fiscal year and," in lines four and five, Section 3, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "sixty-seven," in line one, Section 3, printed bill, and inserting in lieu thereof the word "sixty-five."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

During second reading of bill, the following substitute was submitted by the committee for Senate Bill No. 372;

Also: Senate Bill No. 311—An Act appropriating money for the payment of claims against the State arising in the counties of Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, and Trinity, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891;

Also: Senate Bill No. 382—An Act appropriating money for the payment of claims against the State arising in the counties of Monterey and San Benito, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891:

SUBSTITUTE FOR SENATE BILLS NOS. 372, 311, AND 382.

An Act authorizing suits against the State on claims and demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The owners or holders of claims or demands against this State arising under the provisions of an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March thirty-first, eighteen hundred and ninety-one, may, within twelve months from the passage of this Act, bring suit upon their said claims or demands in any of the courts of this State of competent jurisdiction, and prosecute the same to final judgment. The rules of practice in civil cases shall apply to such suits, except as herein otherwise provided, with the right of appeal to either party.

SEC. 2. Service of summons in such suits shall be made on the Attorney-General. It shall be the duty of the Attorney-General to defend all such suits, and upon his written demand, made at or before the time of answering, the place of trial of any such suit must be changed to the County of Sacramento.

SEC. 3. All costs in any suit brought hereunder shall be paid by the plaintiff in the action, and in case judgment therein be for the plaintiff, it shall be for the amount actually found due to the plaintiff, without interest thereon, and without costs; and such judgment shall bear no interest after rendition.

SEC. 4. It shall be the duty of the Attorney-General to report to the Legislature at its next ensuing session all final judgments recovered against the State thereunder, not theretofore reported.

SEC. 5. Any final judgment recovered hereunder against the State shall be paid in the manner following, to wit: Upon presentation of a certified copy of such judgment to the State Controller, the Controller shall draw his warrant upon the appropriation provided for the purpose for one half the amount of such judgment, payable out of such fund for the then current fiscal year; and thereafter, during the next ensuing fiscal year, the Controller shall in like manner draw his warrant for the remaining half of such judgment, payable out of such fund for such ensuing fiscal year, the purpose and intent being that but one half of any judgment recovered hereunder shall be payable out of the treasury during any one fiscal year.

SEC. 6. The sum of two hundred and eighty-seven thousand six hundred and fifteen dollars (\$287,615), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay any final judgments which may be recovered against the State under the provisions of this Act; *provided*, that no more than one half of the amount so appropriated shall be paid out of the treasury during one fiscal year.

SEC. 7. This Act shall take effect immediately.

Substitute for above bills read and adopted.

Bills read second time, ordered to print, engrossment, and third reading.

BILL ORDERED PRINTED WITH PROPOSED COMMITTEE AMENDMENTS.

On motion of Senator Cutter, the Secretary was directed to have Senate Bill No. 322 printed with the proposed committee amendments, for convenience.

SECOND READING OF BILLS, ETC.—(RESUMED).

SENATE JOINT RESOLUTION NO. 12.

Relative to attempted location of mineral oil lands as agricultural lands.

WHEREAS, There is now pending in the Land Department at Washington, D. C., numerous applications of persons seeking to locate the oil mineral lands of this State in lieu of agricultural lands contained in various reservations pursuant to the Act of June fourth, eighteen hundred and ninety seven; and

WHEREAS, Bona fide locators of said lands as mineral lands have contested such applications to select said oil lands under said Act; and

WHEREAS, The mineral locators and miners engaged in the development of oil lands in this State have developed an industry of great importance and value to this State and to its people; and

WHEREAS, Certain of said matters having been judicially investigated before Judge E. M. Ross, Judge of the Ninth Circuit Court, Southern District of California, and by him adjudged as to matters before him to be fraudulent and void applications for the selection of said oil lands as lieu lands; and

WHEREAS, Said matters are pending for consideration and decision before the honorable Secretary of the Interior at Washington, D. C., and believing that the acquiring of title to said lands as agricultural lands under said Act would be an injustice to the miners of this State and the persons who have actually developed the valuable character of said lands, and would, as we believe, amount to a fraud upon the Government of the United States; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the said honorable Secretary of the Interior is hereby requested and urged to fully and thoroughly investigate said matters on behalf of the Government of the United States, and to thoroughly and carefully examine into the truth and honesty of the applications made to select said lands as agricultural lands, and he is hereby requested to take all necessary steps on behalf of the Government of the United States to fully examine into said matters, and ascertain if frauds have been committed in the attempted selection of said mineral lands as agricultural lands, and if the same be adjudged to have been fraudulent, as we feel and believe them to be, then we request the said Secretary of the Interior to use all lawful ways and means to prevent the consummation of any attempted fraudulent selection of said lands.

Resolved, That the Secretary of the Senate be instructed to immediately transmit a copy of this resolution by mail to the Secretary of the Interior, and to our Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray

burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 455—An Act to repeal an Act entitled "An Act to incorporate the Town of Downieville," approved March 18, 1863, and to repeal an Act amendatory thereof entitled "An Act to amend an Act entitled 'An Act to incorporate the Town of Downieville,' passed March 18, 1863," approved March 31, 1866.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 339—An Act to amend Section 3051 of the Civil Code of the State of California, in reference to liens for services, by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State, to abate any public nuisance in any way affecting him, or his family, or his property.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION TO RECONSIDER.

Senator Curtin moved to reconsider the vote whereby Committee Substitute for Senate Bills Nos. 372, 311, and 382 was this day adopted, for the purpose of amending the substitute.

Motion carried.

On motion of Senator Curtin, the bills were passed on file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 93—An Act to amend Section 3771 of the Political Code, relating to the sale of property for delinquent taxes.

During second reading of bill, the following substitute was submitted by the committee for Senate Bill No. 93;

Also: Senate Bill No. 94—An Act to amend Section 3807 of the Political Code, relating to the sale of property for uncollected taxes;

Also: Senate Bill No. 95—An Act to amend Section 3884 of the Political Code, relating to the use of abbreviations in the assessment of land, advertisement and sale thereof for taxes;

Also: Senate Bill No. 96—An Act to amend Section 3899 of the Political Code, relating to the sale of property for delinquent taxes;

Also: Senate Bill No. 97—An Act to amend Section 3629 of the Political Code, relating to the assessment of property;

Also: Senate Bill No. 98—An Act to amend Section 3632 of the Political Code, relating to the powers of Assessor;

Also: Senate Bill No. 99—An Act to amend Section 3649 of the Political Code, relating to the assessment of property;

Also: Senate Bill No. 100—An Act to amend Section 3716 of the Political Code, relating to the judgment lien for uncollected taxes;

Also: Senate Bill No. 101—An Act to amend Section 3638 of the Political Code, relating to the assessment of consigned goods:

AN ACT

To amend Sections 3629, 3632, 3638, 3649, 3716, 3771, 3807, 3884, and 3889 of the Political Code of the State of California, relating to the assessment and collection of taxes.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 3629, 3632, 3638, 3649, 3716, 3771, 3807, 3884, and 3889 of the Political Code of the State of California are hereby amended to read as follows:

Section 3629. He must exact from each person a statement, under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at twelve o'clock m. on the first Monday in March; such statement shall be in writing, showing separately:

1. All property belonging to, claimed by, or in the possession or under the control of such person;

2. All property belonging to, claimed by, or in the possession or under the control or management of any firm of which such person is a member;

3. All property belonging to, claimed by, or in the possession or under the control or management of any corporation of which such person is president, secretary, cashier, or managing agent;

4. The county in which such property is situated, or in which it is liable to taxation, and (if liable to taxation in the county in which the statement is made) also the city, town, township, school district, road district, or other revenue districts in which it is situated;

5. An exact description of all lands, in parcels or subdivisions, not exceeding six hundred and forty acres each, and sections and fractional sections of all tracts of land containing more than six hundred and forty acres, which have been sectionized by the United States Government, improvements and personal property, including all vessels, steamers, and other watercraft; and all taxable state, county, city, or other municipal or public bonds, and the taxable bonds of any person, firm or corporation, and deposits of money, gold dust, or other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found; all mortgages, deeds of trust, contracts, and other obligations by which a debt is secured, and the property in the county affected thereby;

6. All solvent credits, unsecured by deed of trust, mortgage or other lien on real or personal property, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier, or managing agent, deducting from the sum total of such credits such debts only, unsecured by trust deed, mortgage, or other lien on real or personal property, as may be owing by such person, firm, or corporation, to bona fide residents of this State. No debts shall be so deducted unless the statement shows the amount of such debt as stated under oath in aggregate; *provided*, the Assessor shall have the privilege of examining the books of such person, firm, or corporation, or such other evidence or examination as may be required to verify said statement. Whenever one member of a firm or one of the proper officers of a corporation, has made a statement showing the property of the firm or corporation, another member of the firm, or another officer, need not include such property in the statement made by him; but his statement must show the name of the person or officer who made the statement in which such property is included.

Section 3632. Every Assessor shall have power:

1. To require any person found within such Assessor's respective county to make and subscribe an affidavit, giving his name, place of residence, or place of business, and whether he is the owner of any taxable property;

2. To subpoena and examine any person in relation to any statement furnished him, or which discloses property which is assessable in his respective county, that may be stored with, in possession of, or controlled by such person. And he may exercise this power in any county where the persons whom he desires to examine may be found, but shall have no power to require such person to appear before him in any other county than that in which the subpoena is served upon him. Every person who shall refuse to furnish the statement hereinbefore required in this chapter, or to make and subscribe such affidavit respecting his name and place of residence, or to appear and testify when required to do so by the Assessor, as above provided, shall, for each and every refusal, and as often as the same is repeated, forfeit to the people of the State the sum of one hundred dollars, in gold coin of the United States, to be recovered by action brought in their name by the respective Assessor in any police or justice's court. In case such affidavit shall show the residence of the person making the same to be in any county other than that in which it is taken, or the statement shall disclose property in any county other than that in which it is made, the Assessor shall, in the respective case, file the affidavit or statement in his office, and transmit a copy of the same, certified by him, to the Assessor of the county in which such residence or property is therein shown to be. One half of all moneys recovered by any Assessor under the provisions of this section must by him be paid into the treasury of the county, and the other half may be retained by the Assessor for his own use.

Section 3638. All personal property consigned for sale to any person within the State, from any place out of this State, or from any other county or counties in this State, must be assessed in the county where the property is situated, as other property.

Section 3649. Any property discovered by the Assessor to have escaped assessment for the preceding year or years, if such property is in the ownership or under the control of the same person who owned or controlled it for such preceding year or years, may be assessed at an additional value equal to the amounts said property should have been assessed for in the preceding year or years.

2. For the purpose of assessment under the provisions of this section, the property of any estate of a deceased person, unless distributed by order of the court, shall be assessed for all property that escaped taxation and was owned by such deceased person during his or her life.

Section 3716. Every tax has the effect of a judgment against the person, and every lien created by this title has the force and effect of an execution duly levied against all property of the delinquent; the judgment is not satisfied or the lien removed until all the taxes, penalties, costs, and interests are paid.

Section 3771. On the day and hour fixed for the sale, all the real property delinquent, or on which the lien for delinquent personal property taxes is attached, upon which the taxes of all kinds, penalties and costs have not been paid, shall by operation of law and the declaration of the Tax Collector, be sold to the State; and said Tax Collector shall make an entry, "Sold to the State," on the delinquent assessment list, opposite the tax, and he shall be credited with the amount therefor in his settlement made pursuant to sections three thousand seven hundred and ninety-eight and three thousand seven hundred and ninety-nine; *provided*, that on the day of sale the owner or person in possession of any property offered for sale for taxes due thereon may pay the taxes, penalties, and costs due; *and provided further*, that when the original tax amounts to the sum of three hundred dollars or more upon any piece of property, or assessment delinquent, the State, county, city and county, may also bring suit before or after such sale, against the owner of said property for the collection of said taxes, penalties, and costs, as provided in section three thousand eight hundred and ninety-nine.

Section 3807. When land or property is sold for taxes correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or voidable.

Section 3884. In the assessment of land, advertisement, and sale thereof for taxes, initial letters, abbreviations, and figures may be used to designate the township, range, section, or part thereof, and such other abbreviations as may be approved by the State Board of Equalization; *provided*, a written or printed explanation of such abbreviations shall appear on such page of the assessment roll or book.

Section 3899. The Controller may, at any time after the delinquent list has been delivered to a Tax Collector, require said Tax Collector to make out and deliver to the Controller a certified copy of the entries upon the delinquent list, either before or after sale to the State, of any or all property on said list whereon the taxes shall amount to three hundred dollars or more. The Controller shall thereupon direct the Attorney-General to bring suit against the delinquent, in the proper court, in the name of the people of the State of California, to enforce such collection. The provisions of the Code of Civil Procedure relating to pleadings, proofs, trials, and appeals are hereby made applicable to the proceedings herein provided for, or as provided for in section three thousand seven hundred and seventy-one. The moneys received in pursuance of this section shall be distributed as provided in the preceding section.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 79—An Act to repeal an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897, relating to the Department of Highways.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance.

During second reading of bill, the following amendments were offered:
By Senator Tyrrell of Nevada:

Amend line three of the printed bill by inserting before the words "any person" the following: "Whenever the insured may desire to have his policy valued, he may require."

Amendment adopted.

Also: Amend line six of the printed bill by striking out the word "shall," and inserting in lieu thereof the word "to."

Amendment adopted.

Also: Amend line four of printed bill by striking out the word "hereafter."

Amendment adopted.

Also: Amend line eight of the printed bill by inserting after the word "agent," the following: "the actual cost of such examination to be borne and paid by the insured. A clause shall be inserted in such policy stating substantially that the loss thereunder has been fixed by agreement of the parties."

Amendment adopted.

Also: Amend line nine of the printed bill by inserting after the word "insurer," the words "in such numbered policy."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—32.

Quorum present.

CONSIDERATION OF ASSEMBLY SPECIAL FILE.

Assembly Bill No. 314—An Act to amend Section 180 of the Penal Code of the State of California, relating to the bringing into the State prisons, or any of the reformatories therein, or within the grounds of such institutions, any opium, morphine, cocaine, or other narcotics, intoxicating liquors of any kind, or firearms, weapons, or explosives, and fixing the penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 314 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Plunkett, Rowell, Selvage, Simpson, Taylor, Tyrrell of San Francisco, and Welch—25.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 97—An Act to amend Section 1895 of the Political Code of the State of California, relating to the persons subject to military

duty and to those who may constitute military organizations, in the military service of the State.

On motion of Senator Lukens, further consideration of Assembly Bill No. 97 was indefinitely postponed.

Assembly Bill No. 269—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 560—An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Senator Rowell moved that bill be passed on file.

Motion lost.

During second reading of bill, the following amendment was offered by Senator Taylor:

Amend by striking out of Section 1, lines one and two, the words and figures "one hundred thousand dollars (\$100,000)," and inserting the words "twenty thousand dollars."

Senator Smith of Kern moved that further consideration of bill and amendment be made special order for Wednesday, February 20, 1901, immediately following the regular order after introduction of bills.

During discussion of the motion, Senator Cutter moved the previous question.

The question then being, "Shall the main question be now put?"

The ayes and noes were demanded by Senators Cutter, Leavitt, and Lukens.

The roll was called, and the motion lost by the following vote:

AYES—Senators Burnett, Byrnes, Corlett, Cutter, Goad, Hoey, Laird, Leavitt, Maggard, Nelson, Selvage, Simpson, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—15.

NOES—Senators Ashe, Belshaw, Caldwell, Curtin, Davis, Devlin, Flint, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nutt, Plunkett, Rowell, Shortridge, Smith of Kern, Taylor, Welch, and Wolfe—20.

TIME FOR CONSIDERATION OF SPECIAL ORDER CONTINUED.

On motion of Senator Leavitt, the time for consideration of special file of Assembly bills, now under consideration, was continued until consideration of Assembly Bill No. 560 is disposed of.

The question being on the motion to make special order.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Currier, Davis, Flint, Goad, Greenwell, Lardner, Luchsinger, Plunkett, Rowell, Smith of Kern, and Taylor—13.

NOES—Senators Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Devlin, Hoey, Laird, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—23.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Cutter.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Ashe, Belshaw, Currier, Greenwell, Lardner, Plunkett, Rowell, Sims, and Taylor—9.

NOES—Senators Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour for consideration of special order, being the consideration of Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, Senator Cutter moved that consideration of special order be postponed until eight o'clock P. M. of this day, and that instead of adjourning the Senate take a recess until that hour.

The question being on the motion to postpone.

The ayes and noes were demanded by Senators Cutter, Leavitt, and Taylor.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Leavitt, Luchsinger, Muentner, Nelson, Selvage, Simpson, Tyrrell of Nevada, and Welch—17.

NOES—Senators Belshaw, Burnett, Byrnes, Caldwell, Greenwell, Hoey, Laird, Lardner, Lukens, Nutt, Rowell, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—18.

Senator Leavitt moved that consideration of special order be postponed until Friday, February 15, 1901, at three o'clock and thirty minutes P. M.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senators Ashe and Laird—2.

SECOND READING OF BILLS—(RESUMED).

Senator Curtin asked for and was granted unanimous consent to take up Committee Substitute for Senate Bills Nos. 372, 311, and 382 for the purpose of amendment.

Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Senate Bill No. 311—An Act appropriating money for the payment of claims against the State arising in the counties of Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, and Trinity, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Senate Bill No. 382—An Act appropriating money for the payment of claims against the State arising in the counties of Monterey and San Benito, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891—for the purpose of amendment.

During second reading of bills and committee substitute, the following amendment to the substitute was offered by Senator Curtin:

Amend Substitute for Senate Bills Nos. 372, 311, and 382 by striking out of said substitute the figures "372" following the words "Committee Substitute for Senate Bills," so that said substitute bill will read "Committee Substitute for Senate Bills Nos. 311 and 382."

Amendment adopted.

Substitute for above bills, as amended, read and adopted.

Bills read second time, ordered to print, engrossment, and third reading.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, and referred to committee as indicated:

By Senator Tyrrell of San Francisco: Senate Bill No. 569—An Act to execute and carry into effect Section 3 of Article XXII of the Constitution of the State of California.

Bill read first time, and referred to Committee on Judiciary.

LEAVE OF ABSENCE.

Senator Curtin was granted a leave of absence until Monday, February 18, 1901, on his own motion.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 561—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock, except for medicinal purposes, and making the same a misdemeanor.

Also: Senate Bill No. 484—An Act to amend Section 1 of "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CURRIER, Chairman.

Senate Bills Nos. 561 and 484 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 47—An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen—have had the same under consideration, and respectfully report the same back, and recommend that Senate Bill No. 133 be withdrawn by author and that Assembly Bill No. 47 do pass.

LUKENS, Chairman.

Assembly Bill No. 47 ordered on file for second reading.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, February 15, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Thursday, February 14, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, February 11, 1901, having been previously read and corrected, was approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 383—An Act to amend Section 1882 of the Political Code by increasing the number of years for which bonds may be issued.

Also: Assembly Bill No. 150—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21 and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Also: Assembly Bill No. 385—An Act to amend Section 857 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 362—An Act to amend Section 3951 of the Political Code of the State of California, relating to the boundaries of the County of San Mateo.

Also: Assembly Bill No. 464—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 383 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 464 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 150 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 362 read first time, and referred to Committee on County Government.

Assembly Bill No. 385 read first time, and referred to Committee on Municipal Corporations.

REPORT OF COMMITTEE ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Senate Bill No. 450—An Act to amend an Act entitled "An Act making it unlawful to refuse admission to places of amusement."

Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered Section 1975, relating to the proof of proceedings of municipal corporations.

Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the police department of cities and counties.

Senate Bill No. 235—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Senate Bill No. 236—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Senate Bill No. 409—An Act to amend Section 963 of the Code of Civil Procedure.

Senate Bill No. 53—An Act entitled an Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions in this State.

Senate Bill No. 320—An Act to provide in whose name title to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California, entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893, and the amendments thereto.

Senate Bill No. 12—An Act to validate certain acts and proceedings had under an Act of the Legislature of the State of California entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Senate Bill No. 455—An Act to repeal an Act entitled "An Act to incorporate the Town of Downieville," approved March 18, 1863, and to repeal an Act amendatory thereof entitled "An Act to amend an Act entitled an Act to incorporate the Town of Downieville, passed March 18, 1863," approved March 31, 1866.

Senate Bill No. 339—An Act to amend Section 3051 of the Civil Code of the State of California in reference to liens for services, by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business.

Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State, to abate any public nuisance in any way affecting him, or his family, or his property.

Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Senate Bill No. 79—An Act to repeal an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expense of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897, relating to the Department of Highways.

NELSON, Chairman.

Senate Bills Nos. 277, 450, 46, 305, 235, 236, 409, 53, 320, 12, 177, 205, 408, 455, 339, 297, 298, and 79 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of special order heretofore set for this hour—being the consideration of Senate Bills Nos. 539, 540, and 541—having arrived, the same was taken up.

SECOND READING OF BILLS.

Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

At ten o'clock and fifteen minutes A. M., President pro tem. Flint in the chair.

SPECIAL ORDER SET.

On motion of Senator Lukens, the consideration of Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto;

Also: Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto;

Also: Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto;

Was made special order for Monday, February 18, 1901, immediately after reading of the Journal.

RESOLUTION.

The following resolution was offered by Senator Luchsinger:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of J. J. Luchsinger for the sum of ninety dollars (\$90.00), payable out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same--this amount being the actual expenses of the special committee appointed February 7, 1901, of Finance and Hospitals to visit Napa State Hospital and the Home for Feeble-Minded at Glen Ellen.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the members of the special committee of two from the Senate Committee on Hospitals, one from the Committee on Health, three from the Committee on Reformatories, and two unattached, ordered to visit and inquire into the needs of the several institutions located in Southern California, be reimbursed for the actual traveling expenses to the amount of \$917.20, and that the Controller of the State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and that the same be charged to the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay said warrant.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Flint, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—27.

NOES—None.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 494—An Act to amend an Act creating a Board of Bank Commissioners, and prescribing their duties and powers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Senate Bill No. 494 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 501—An Act to amend Section 604 of the Political Code of the State of California, relating to the office of Insurance Commissioner—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bill No. 501 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 285—An Act to amend Sections 4, 5, 8, 10 and 12 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties, in the State'"—have had the same under consideration, and respectfully report the same back with committee amendments, and without further recommendation.

LARDNER, Chairman.

Senate Bill No. 285 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 187—An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, county or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates, by providing for the designation of what proportion of the rates fixed is for annual reasonable expenses, and what proportion is for net annual receipts and profits.

Also: Senate Bill No. 485—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 303—An Act to add a new section to the Penal Code of the State of California, to be numbered 373½, relating to public nuisances.

Also: Senate Bill No. 321—An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of

taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

DAVIS, Chairman.

Assembly Bills Nos. 187 and 303 and Senate Bills Nos. 485 and 321 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 535—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Also: Senate Bill No. 522—An Act making an appropriation to pay the claim of Jo D. Sproul, District Attorney of Butte County, for costs of suit in foreclosing delinquent purchasers of State school lands, and directing payment of same.

Also: Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California.

Also: Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees, and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Also: Assembly Joint Resolution No. 11—Relative to what are commonly known as and called the "California War Claims."

Also: Assembly Bill No. 52—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Also: Assembly Bill No. 19—An Act to appropriate \$1,015 to pay the claim of Thomas D. Riordan for legal services rendered and expenses incurred by him in that certain action commenced in the Superior Court of the State of California, in and for the City and County of San Francisco, and which was therein entitled *The People of the State of California, by Tires L. Ford, Attorney-General, plaintiff, vs. Charles F. Curry, as Secretary of State of the State of California*, No. 73,277, and decided on appeal by the Supreme Court of the State of California, and therein entitled *The People of the State of California, plaintiff and appellant, vs. Charles F. Curry, as Secretary of State of the State of California*, defendant and respondent, and numbered San Francisco No. 2442.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

Also: Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Also: Assembly Bill No. 145—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 400—An Act to reduce the expense to the State of California of the transportation of convicted felons, insane persons, and persons committed to the various hospitals, asylums, reformatories, and other public institutions of the State of California, and to amend, in that behalf, the Act approved March 15, 1885, entitled "An Act to amend an Act entitled 'An Act to allow compensation to Sheriffs for conveying prisoners to State prisons and insane persons to the insane asylum,' approved March 14, 1885, providing for compensation to Sheriffs for service rendered since the 14th day of March, 1885."

Also: Assembly Bill No. 279—An Act making an appropriation to pay the claim of Fred B. Blakeley for the arrest of Ygnacio Eisler, a highway robber.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 362—An Act making an appropriation for the support and maintenance of the University of California, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 509—An Act to appropriate \$1,015 to pay the claim of Thomas D. Riordan for legal services rendered and expenses incurred by him in that certain action commenced in the Superior Court of the State of California, in and for the City and County of San Francisco, and which was therein entitled The People of the State of California, by Tiley L. Ford, Attorney-General, plaintiff, vs. Charles F. Curry, as Secretary of State of the State of California, No. 73,277, and decided on appeal by the Supreme Court of the State of California, and therein entitled The People of the State of California, plaintiff and appellant, vs. Charles F. Curry, as Secretary of State of the State of California, defendant and respondent, and numbered San Francisco No. 2442.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by authors.

S. C. SMITH, Chairman.

Senate Bills Nos. 535, 522, 398, 512, 265, 471, and 400, and Assembly Bills Nos. 279, 145, 52, and 19 ordered on file for second reading.

Assembly Joint Resolution No. 11 ordered on file.

WITHDRAWAL OF BILLS.

Senator Davis asked for unanimous consent to withdraw Senate Bills Nos. 362 and 509.

Consent granted.

Bills withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 14—Relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CALDWELL, Chairman.

Senate Constitutional Amendment No. 14 ordered on file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 75—An Act to amend Section 487 of the Penal Code of the State of California, relating to grand larceny—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SELVAGE, Chairman.

Senate Bill No. 75 ordered on file for second reading.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 412—An Act making appropriation of money for the purchase of one hundred and sixty acres of additional land for the use of the Napa State Hospital at Napa.

Also: Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer-pipes and connections, and the plumbing and connections of the Napa State Hospital at Napa.

Also: Senate Bill No. 416—An Act appropriating money for the purchase of a plant for wiring the Napa State Hospital building for electric lights.

Also: Senate Bill No. 227—An Act appropriating \$25,000 for the erection of a connecting building at the Mendocino State Hospital.

Also: Senate Bill No. 228—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer-pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital.

Also: Senate Bill No. 226—An Act to provide an electric plant for lighting the buildings and grounds of the Mendocino State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended, and be referred to the Committee on Finance.

Also: Senate Bill No. 225—An Act to provide an ice-machine and cold-storage plant for the Mendocino State Hospital, with the necessary connections and fittings, and making

an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to the Committee on Finance.

Also: Senate Bill No. 413—An Act making appropriation of money to provide for certain improvements and repairs at the Napa State Hospital at Napa—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and be not referred to Committee on Finance.

ROWELL, Chairman.

Senate Bills No. 412, 415, 416, 227, 228, 226, and 225 referred to Committee on Finance.

Senate Bill 413 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 523—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this Act and providing for enforcement thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 554—An Act to prohibit the paying of employes while he or they are in any public saloon, or barroom, or restaurant—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BYRNES, Chairman.

Senate Bills Nos. 523 and 554 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Byrnes: Senate Bill No. 570—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Sims: Senate Bill No. 571—An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the waterfront in San Francisco, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 572—An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen, while farm overseer at the California Home for the Care and Training of Feeble-Minded Children, during the years 1896, 1897, and 1898, in the sum of \$242.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 573—An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporation, and to repeal an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

Bill read first time, and referred to Committee on Corporations.

By Senator Smith of Los Angeles: Senate Bill No. 574—An Act to provide for the purchase of livestock, vehicles, and farm equipments for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Reformatories.

By Senator Belshaw: Senate Bill No. 575—An Act to amend Section 195 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Government.

By Senator Burnett: Senate Bill No. 576—An Act authorizing the making of official city maps for the purposes of assessment or transferring of property by descriptions as delineated on such maps, and authorizing for the purposes of such maps the resurvey and renumbering of blocks, lots, or parcels of land, and the fixing of the names of streets, avenues, lanes, courts, commons, or parks.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 577—An Act to add a new section to the Civil Code, relating to conditional sales, leases, and transfers of personal property, and to be numbered 1742.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 578—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 579—An Act to amend Sections 612 and 616 of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872, relating to cemeteries.

Bill read first time, and referred to Committee on Judiciary.

By Senator Laird: Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Oneal: Senate Concurrent Resolution No. 14—Relative to approving amendments to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the fifth day of February, 1901.

Referred to Committee on Municipal Corporations.

By Senator Ashe: Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 582—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Bill read first time, and referred to Committee on Fish and Game.

WITHDRAWAL OF BILL.

Senator Welch asked for unanimous consent to withdraw Senate Bill No. 162—An Act to amend Sections 1548 and 1552 of the Political Code of the State of California.

Consent granted.

Senate Bill No. 162 withdrawn and ordered stricken from the file.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California; to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Passed on file.

Senate Bill No. 4—An Act to prohibit the selling of pools and book-making on any trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein pool-selling or book-making is carried on, except when said pools are sold or said book-making is carried on within the race-track enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance of, by, or between men, animals, or machines shall be had and occur, and upon the days when such contests actually occur or are had; and to provide a punishment for the violation of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 refused passage by the following vote:

AYES—Senators Belshaw, Caldwell, Currier, Davis, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nutt, Rowell, Selvage, Sims, Smith of Kern, and Taylor—15.

NOES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Cutter, Hoey, Leavitt, Nelson, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—15.

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Read third time.

Senator Davis moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

Amend by inserting in Section 1, line fourteen, page two of the printed bill, after the word "Fresno," the following: "Stanislaus, Mariposa, Madera, and Merced."

Also: In Section 1, line twenty-five, page two of the printed bill, the word "Stanislaus."

Also: By striking out of Section 1, line twenty-six, page two of the printed bill, the following: "Mariposa, Madera, and Merced," and inserting a period instead of a comma after the word "Mono," and by striking out the comma after the word "Alpine," and inserting in lieu thereof the word "and."

Also: Strike out of Section 1, line five, the word "eleven," and insert in lieu thereof the word "fifteen."

Also: By striking out of Section 2, line six, page two of the printed bill, the word "eleven," and inserting in lieu thereof the word "fifteen."

Also: By striking out of line three of the title the figures "11," and inserting the figures "15."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take

effect in case Senate Constitutional Amendment No. 11 is ratified by the people with instructions to amend, respectfully reports the same back, amended as per instructions.
CALDWELL, Committee.

Report of special committee of one and amendments adopted.
Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Tyrrell of Nevada:

Resolved, That Senators Nutt, Luchsinger, and Tyrrell of Nevada, of the Committee on Finance; and Senators Muentner, and Smith of Los Angeles, of the Committee on Hospitals; and Senator Taylor, be and they are hereby authorized to visit the State Hospital at Agnews on Saturday, February 16, A. D. 1901, in order that the needs of this institution may be thoroughly inquired into, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600*a*, relating to and defining the offense of burning structures and other property under \$25 in value, not subject to arson, and specifying the penalty therefor.

Read third time.

Senator Muentner moved to refer to Senator Taylor, as a special committee of one, to amend as follows:

Amend by striking out of title, line four, the words and figures "under \$25 in value."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600*a*, relating to and defining the offense of burning structures and other property under \$25 in value, not subject to arson, and specifying the penalty therefor with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637*a*, for the protection of meadow larks.

Passed on file.

Senate Bill No. 450—An Act to amend an Act entitled "An Act making it unlawful to refuse admission to places of amusement."

Passed on file.

Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered Section 1975, relating to the proof of proceedings of municipal corporations.

Passed on file.

Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the police department of cities and cities and counties.

Passed on file.

Senate Bill No. 235—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Davis, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Selva, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Davis, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 593.

Also: Senate Bill No. 105—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being "Shall the Senate concur in the following amendments to Senate Bill No. 35?"

ASSEMBLY AMENDMENTS.

Strike out the word "and," in line ten of the printed bill, and insert in lieu thereof the word "or."

Also: After the word "fine," in line fifteen of the printed bill, insert the words "not exceeding five hundred dollars."

Also: After the word "jail," in line fifteen of the printed bill, insert the words "not exceeding one year."

The roll was called, and Assembly amendments to Senate Bill No. 35 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Selva, Simpson, Taylor, and Tyrrell of San Francisco—22.

NOES—None.

Senate Bill No. 35 ordered to enrollment.

The question being, "Shall the Senate concur in the following amendment to Senate Bill No. 105?"

ASSEMBLY AMENDMENT.

After the words "San Luis Obispo," in line eight of the printed bill, insert the words "Shasta, Siskiyou."

The roll was called, and Assembly amendment to Senate Bill No. 105 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis,

Flint, Greenwell, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Plunkett, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—22.
NOES—None.

Senate Bill No. 105 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 123?"

ASSEMBLY AMENDMENTS.

Amend by inserting, on page two, line forty-eight, of the printed bill, after the word "otherwise," the following: "*provided*, that any license taxes collected under a city ordinance shall be collected by the City or Town Marshal, and paid into the city or town treasury for use of the city or town in which it is collected."

Also: Amend by striking out, on page three, line seventy-eight, of the printed bill, the word "buildings," and inserting in lieu thereof the word "building."

Also: Amend by striking out, on page three, line seventy-eight of the printed bill, the word "constructions," and inserting in lieu thereof the word "construction."

The roll was called, and Assembly amendments to Senate Bill No. 123 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Corlett, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Selvage, Smith of Kern, Taylor, and Tyrrell of San Francisco—21.

NOES—None.

Senate Bill No. 123 ordered to enrollment.

CONSIDERATION OF REQUEST OF THE ASSEMBLY CONCERNING SENATE AMENDMENTS TO ASSEMBLY BILL.

On motion of Senator Leavitt, consideration of the request of the Assembly that the Senate recede from its amendments to Assembly Bill No. 254—An Act to promote the apicultural interests of the State of California by providing County Inspectors of Apiaries, and defining their duties and providing for their compensation, and repealing the Act entitled "An Act to authorize the Boards of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation and defining their duties, and for the further protection of bee culture," approved March 13, 1883—postponed until to-day, was taken up.

The question being, "Shall the Senate recede from its amendments to Assembly Bill No. 254?"

The roll was called, and the Senate receded from its amendments to Assembly Bill No. 254 by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Corlett, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Welch—25.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Wolfe, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 15, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 23—An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University.

Also: Senate Bill No. 24—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

Also: Senate Bill No. 141—An Act to amend Section 516 of the Civil Code of the State of California, relative to the rates of toll to be posted at gate.

Also: Senate Bill No. 66—An Act to amend Section 1261 of the Political Code, relating to election returns.

Also: Senate Bill No. 341—An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument by a person confined in the State Prison under life sentence, and prescribing the punishment therefor.

Also: Senate Bill No. 267—An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874.

Also: Senate Bill No. 160—An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor.

Also: Senate Bill No. 47—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and State officers for the forty-eighth and forty-ninth fiscal years.

Also: Senate Bill No. 48—An Act making an appropriation to pay the deficiency in the appropriation for repairs to Capitol building and furniture for the fiftieth fiscal year.

Also: Senate Bill No. 49—An Act making an appropriation to pay the deficiency for stationery, fuel, lights, and supplies for the Legislature and State officers for the fiftieth fiscal year.

Also: Senate Bill No. 45—An Act making an appropriation to pay the claim of the City of Sacramento for water furnished the State of California during the forty-ninth and fiftieth fiscal years.

Also: Committee Substitute for Senate Bill No. 127—An Act to appropriate the sum of \$150,000 to be used in the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosions, and other causes, and for the purchase of sites therefor, and to provide for the manner of spending such appropriation.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 15, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 117—Entitled "An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations,' approved March 13, 1883."

This bill purports to validate and legalize all attempted reorganizations of cities and counties and cities and towns which have attempted or claimed to incorporate under the general Act of the Legislature, approved March 13, 1883, relating to municipal corporations.

In my opinion this measure is opposed to Section 6, Article XI, of the Constitution of the State, which prohibits the creation of municipal corporations by special laws.

It is attempted to give, by retroactive effect, the same rights and privileges to such cities and towns which failed to incorporate under the law of 1883 as possessed by cities and towns which have fully complied with said general law, and are now organized under it.

Were this measure to become a law, then the effect would be to incorporate by a mere Act of the Legislature a select and arbitrary class of cities and towns. If the cities and towns which it is sought by this bill to incorporate were expressly named, it would be very apparent that the Act would be special and unconstitutional, and it seems to me likewise clear that the bill is none the less in violation of the Constitution because the cities and towns are not named.

The Act of 1883 is a general law, and it is not difficult to comply with its reasonable requirements; hence I am unable to perceive any reason why a special class of cities and towns should be exempted from its provisions.

HENRY T. GAGE,
Governor of the State of California.

The question being "Shall Senate Bill No. 117 become a law, notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Ashe and Taylor—2.

NOES—Senators Belshaw, Beltman, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—24.

Whereupon the President pro tem. declared Senate Bill No. 117 failed to receive the necessary vote to become a law.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 236—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, in relation to the Marshal.

Passed on file.

Senate Bill No. 409—An Act to amend Section 963 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 409 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53—An Act entitled an Act to amend Section 2032 of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 53 passed by the following vote:

AYES—Senators Ashe, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Laird, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 320—An Act to provide in whose name title to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893, and the amendments thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 12—An Act to validate certain acts and proceedings had under an Act of the Legislature of the State of California entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Passed on file.

Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 205 passed by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Cutter, Goad, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Nelson, Selvage, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Passed on file.

Senate Bill No. 455—An Act to repeal an Act entitled "An Act to incorporate the Town of Downieville," approved March 18, 1863, and to repeal an Act amendatory thereof entitled "An Act to amend an Act entitled 'An Act to incorporate the Town of Downieville,' passed March 18, 1863," approved March 31, 1866.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 455 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Flint, Goad, Greenwell, Lukens, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 339—An Act to amend Section 3051 of the Civil Code of the State of California in reference to liens for services, by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Nelson, Plunkett, Rowell, Selvage, Shortridge,

Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State to abate any public nuisance in any way affecting him, or his family, or his property.

Passed on file.

Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Passed on file.

Senate Bill No. 79—An Act to repeal an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employes thereof, and to provide for the compensation of said officers and employes, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897, relating to the Department of Highways.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 79 refused passage by the following vote:

AYES—Senators Ashe, Currier, Flint, Leavitt, Luchsinger, Muentzer, Rowell, Shortridge, Simpson, and Smith of Kern—10.

NOES—Senators Bettman, Burnett, Byrnes, Corlett, Davis, Goad, Greenwell, Hoey, Lardner, Lukens, Nelson, Oneal, Selva, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—17.

LEAVE OF ABSENCE.

Senator Nutt was granted a leave of absence for the day, on his own motion.

Senator Caldwell was granted a leave of absence until Monday, February 18, 1901, on his own motion.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muentzer, Nelson, Oneal, Plunkett, Rowell, Selva, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—30.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 269—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 269 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Flint, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Oneal, Plunkett, Rowell, Selvage, Simpson, Taylor, Tyrrell of San Francisco, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 560—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Passed on file.

Assembly Bill No. 230—An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in the State, and punish persons violating the provisions of this Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 140—An Act to establish Police Courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 142—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by Chapter CCLXII of the laws of 1897.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "as amended by chapter two hundred and sixty-two of the laws of eighteen hundred and ninety-seven," in lines three, four, and five, Section 1, page one, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "as amended by Chapter 262 of the laws of 1897," in line three of title, printed bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 95—An Act to amend Section 1170 of the Penal Code, relating to exceptions that may be taken by the defendant on the trial of an indictment or information.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 377—An Act to amend Section 1329 of the Penal Code in relation to witnesses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 127—An Act to provide for a lunch hour for laborers in sawmills, shakemills, shingle-mills, and logging-camps.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 80—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 175—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations," approved March 13, 1883, in relation to the Marshal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 139—An Act to amend Section 103 of the Code of Civil Procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 271—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 47—An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen.

Bill read second time, and ordered on file for third reading.

At two o'clock and forty-three minutes P. M., Hon. C. M. Simpson, State Senator from the Thirty-sixth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order, being further consideration of Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, the same was taken up.

Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections.

During the further second reading of bill, the following amendment was offered by Senator Leavitt:

Amend by striking out all of Section 313, pages one hundred and twenty-seven and one hundred and twenty-eight, printed bill.

Amendment pending.

SPECIAL ORDER SET.

On motion of Senator Devlin, the further consideration of Committee Substitute for Senate Bill No. 138 was made special order for Monday, immediately following the regular order after introduction of bills.

At two o'clock and fifty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

LEAVE OF ABSENCE.

Senator Hoey was granted a leave of absence until Monday, February 18, 1901, on his own motion.

Senator Cutter was granted a leave of absence until Monday, February 18, 1901, on his own motion.

Senator Leavitt was granted a leave of absence until Monday, February 18, 1901, on his own motion.

Senator Plunkett was granted a leave of absence until Monday, February 18, 1901, on his own motion.

Senator Welch was granted a leave of absence until Monday, February 18, 1901, on his own motion.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Davis:

Resolved, That the following-named members of the Senate Committee on Judiciary be allowed leave of absence until Monday next, for the purpose of visiting the proposed

terminal at China Basin, San Francisco, described in the bills now before said committee, and their actual and necessary expenses incurred thereby, payable out of the Contingent Fund of the Senate: Senators Davis, Selvage, Lukens, Smith of Kern, Devlin, Simpson, Wolfe, Ashe, Lardner, and Tyrrell of Nevada.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—30.

NOES—None.

REPORT OF STANDING COMMITTEE (OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 480—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be designated and numbered Section 1716, "relating to the payment and enforcement of claims against municipal corporations in certain cases"—have had the same under consideration, and respectfully report the same back, as amended, without recommendation.

Also: Senate Bill No. 318—An Act to assist the City and County of San Francisco in grading and making a cut through the hill on Folsom Street in said city and county, between Ripley Street and Crescent Avenue, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 176—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Senate Bills Nos. 480 and 318 and Assembly Bill No. 176 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: I cannot concur in the majority report of Committee on Municipal Corporations upon Senate Bill No. 480, because:

First—In my opinion, the measure is unconstitutional.

Second—If valid, the law would unjustly deplete city treasuries.

Therefore, as a minority report, I respectfully recommend that the bill do not pass.

E. K. TAYLOR.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Devlin, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 15, 1901. }

To the Senate of the State of California:

I herewith return without my approval, with my objections thereto, Senate Bill No. 64, entitled "An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California."

In my message to the present Legislature, I called attention to the evil of making all special appropriations payable immediately out of the General Fund, instead of out of future revenue receipts, and after quoting from my inaugural address upon the same subject, I used the following language:

"The revenues for the year 1901 will not be available until after January 1, 1902; hence, all appropriations, other than those necessary for the actual conduct of the State Government, which are usually embraced in the General Appropriation Act, should be made payable out of such future revenues."

Independent of the consideration of the merits of the bill, I am obliged to disapprove of it, because by its terms it is made payable immediately, and not after January 1, 1902.

As sufficient facts have not been submitted to me showing the basis of this claim, and as it has not been presented to the Board of Examiners, I respectfully suggest that

your honorable body, during the further hearing of the bill, consider whether this claim is covered by the Act of the Legislature approved March 24, 1893 (Stats. 1893, p. 344), wherein the sum of \$200 was appropriated to Ira H. Locey, and the further sum of \$100 to Henry Locey, which sums were duly audited by the Board of Examiners, and paid in due course.

HENRY T. GAGE,
Governor of the State of California.

ACTION POSTPONED.

On motion of Senator Belshaw, action on the above message was postponed until Monday, owing to the absence of the author of the bill.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 22—An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage; to purchase machinery, tools, dredgers, and appliances therefor; to improve and rectify water channels; to erect works necessary and incident to said drainage; to condemn land and property for the purposes aforesaid; making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897.

Also: Passed Assembly Bill No. 531—An Act to amend the Code of Civil Procedure by adding a new chapter to Title X of Part II thereof, to be numbered Chapter VII, embracing Sections 828 to 831g, inclusive, relating to actions for divorce.

Also: Passed Assembly Bill No. 58—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Also: Passed Assembly Bill No. 53—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Also: Passed Assembly Bill No. 283—An Act to amend Section 357 of the Penal Code, relating to marking and branding, changing, altering, or defacing the marks and brands of domestic animals.

Also: Passed Assembly Bill No. 285—An Act to add a new section to the Penal Code, the said section to be designated 357½, relating to the marking and branding, or altering, changing, or defacing marks and brands of domestic animals.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 531 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 58 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 53 read first time, and referred to Committee on Drainage.

Assembly Bill No. 283 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 285 read first time, and referred to Committee on Agriculture.

LEAVE OF ABSENCE.

Senator Burnett was granted a leave of absence until Monday, February 18, 1901, on motion of Senator Simpson.

INTRODUCTION AND FIRST READING OF BILL.—(OUT OF ORDER).

The following bill was introduced, and referred to committee as indicated:

By Senator Devlin: Senate Bill No. 583—An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections.

Bill read first time, and referred to Committee on Elections.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$201.80, in payment of the several following bills, and the Treasurer is directed to pay the same:

Tom Scott (electrical goods and fitting).....	\$84 80
Capital Artesian Water Co. (corrected bill)	55 00
Mrs. Beebe (making and purchase of 2 doz. roller towels).....	15 00
Buffalo Brewing Co. (ice furnished to January 31st, inclusive)	20 00
Mrs. Smith (washing).....	6 00
Capital Telephone Co. (installing 'phone and rent).....	21 00
Total	\$201 80

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.
NOES—None.

ADJOURNMENT.

At three o'clock and five minutes P. M., Senator Leavitt moved that the Senate adjourn until Monday, February 18, 1901, at eleven o'clock A. M.

The question being on the motion to adjourn until Monday at eleven o'clock A. M.

The ayes and noes were demanded by Senators Smith of Kern, Luchsinger, and Davis.

The roll was called, and the motion carried by the following vote:

AYES—Senators Ashe, Bettman, Devlin, Flint, Goad, Greenwell, Leavitt, Lukens, Pace, Selvage, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, and Wolfe—15.
NOES—Senators Byrnes, Corlett, Davis, Laird, Lardner, Luchsinger, Muentner, Smith of Kern, and Tyrrell of San Francisco—9.

Whereupon the President pro tem. declared the Senate adjourned until eleven o'clock A. M. of Monday, February 18, 1901.

IN SENATE.

SENATE CHAMBER,)
Monday, February 18, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Friday, February 15, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 12, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Simpson was granted a leave of absence for the day, on motion of Senator Smith of Los Angeles.

Senator Byrnes was granted a leave of absence for the day, on motion of Senator Davis.

Senator Nutt was granted a leave of absence for the day, on motion of Senator Luchsinger.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 16, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 259—An Act making an appropriation to pay the claim of J. E. Edson.

Senate Bill No. 201—An Act to define and establish a portion of the eastern boundary of the State of California.

Senate Bill No. 204—An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works in the fifty-first fiscal year, and directing from what source such payment shall be made.

Senate Joint Resolution No. 7—Relative to making upon the Island of Molokai a leper hospital for the care of all lepers within the United States.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 16th day of February, 1901, at eleven o'clock and five minutes A. M.

Also: Have examined and found the following considered-engrossed bills correctly engrossed:

Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Have examined and found the following bills correctly engrossed:

Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1613, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools.

Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

NELSON, Chairman.

Senate Bills Nos. 54 and 304 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of special order heretofore set for this hour—being the consideration of Senate Bills Nos. 539, 540, and 541—having arrived, the same was taken up.

THIRD READING OF BILLS.

Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

Senator Cutter moved that the rules be suspended, and Senate Bills Nos. 559 and 560 be taken up for consideration.

POINT OF ORDER.

Senator Lukens raised the point of order that the consideration of Senate Bill No. 539 was the special order set for this hour, and therefore the consideration of any other bill was not in order.

The President declared the point of order well taken.

Senator Smith of Kern moved to refer to Senator Davis, as a special committee of one, to amend as follows:

Amend by striking out of Section 1 all after "fornia," line five, down to and including the word "biennially," in line seven, and by striking out of Section 1, line nine, the words "the said sum so appropriated," and inserting the following in line nine: "the sum of two hundred thousand dollars."

Senator Leavitt moved, as a substitute for the above motion, to refer to Senator Lukens, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line five and following, the words "there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of two hundred thousand (\$200,000) dollars, biennially, and commencing with the General Appropriation Bill for the fifty-fifth and fifty-sixth fiscal years," and inserting the following: "Commencing with the fifty-fifth and fifty-sixth fiscal years, there shall be biennially appropriated the sum of (\$200,000) two hundred thousand dollars, and."

Motion pending.

Senator Caldwell moved that Senate Bill No. 539 be referred to Committee on Judiciary, to be reported back in two days.

Motion lost.

Senator Devlin moved that the bill, with pending amendments, be referred to a special committee of three, to be appointed by the President, to be reported back this afternoon.

Motion carried.

APPOINTMENT OF COMMITTEE.

In accordance with the above motion, the President appointed Senators Devlin, Lukens, and Smith of Kern as such committee.

Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Pace, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 541 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Pace, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

By unanimous vote, the rules were suspended for the purpose of considering Senate Bills Nos. 559 and 560.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Leavitt:

Resolved, That Senate Bills Nos. 559 and 560 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Mucnter, Nelson, Oneal, Pace, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 559—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 559 passed by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Rowell, Shortridge, Smith of Kern, Taylor, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

HOOR OF RECESS POSTPONED.

On motion of Senator Leavitt, the hour of recess was postponed until Senate Bill No. 560 could be considered.

CASES OF URGENCY—(RESUMED).

Senate Bill No. 560—An Act requiring corporations organized under the laws of another State, Territory, or foreign country to file a certified copy of their articles of incorporation in the office of the Secretary of State, and a certified copy thereof, duly certified by the Secretary of State of this State, in the office of the County Clerk of the county where its principal place of business is located, and also such corporation to pay to the Secretary of State the same fees as are paid by corporations formed under the laws of the State of California, and providing for a penalty for the violation of the provisions of this Act.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 560 passed by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Corlett, Currier, Cutter, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Rowell, Selvaage, Shortridge, Smith of Kern, Taylor, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At the hour of twelve o'clock and thirty-five minutes P. M., the President of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenster, Nelson, Oneal, Plunkett, Rowell, Selvaage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—35.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Substitute for Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander.

Senate Bill No. 114—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be numbered 637½, providing for the protection of wild birds, and their eggs and nests.

Senate Bill No. 473—An Act adding a new section to the Political Code of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods.

Senate Bill No. 366—An Act to authorize suits against the State concerning certain real property, and regulating the procedure therein.

Senate Bill No. 231—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication and the taking of affidavits to be used in procuring the order for publication of summons.

Committee Substitute for Senate Bill No. 209—An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Committee Substitute for Senate Bills Nos. 341 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder.

Committee Substitute for Senate Bills Nos. 93 to 101 inclusive—An Act to amend Sections 3629, 3632, 3638, 3649, 3716, 3771, 3807, 3884, and 3889 of the Political Code of the State of California, relating to the assessment and collection of taxes.

Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance.

NELSON, Chairman.

Senate Bills Nos. 270, 114, 473, 366, 231, 187, 128, and Substitute for Senate Bill No. 116; also Committee Substitute for Senate Bill No. 209, Committee Substitute for Senate Bills Nos. 311 and 382, and Committee Substitute for Senate Bills Nos. 93, 94, 95, 96, 97, 98, 99, 100, and 101, ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 560—An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Read third time.

Senator Belshaw moved to refer to Senator Smith of Kern, as a special committee of one, to amend as follows:

Strike out all after the word "Governor," in line five, down to and including the word "introduction," in line eight, and insert in lieu thereof the following: "for the investigation and suppression, in case of their origin or introduction, of Asiatic cholera, bubonic plague, smallpox, or other contagious or infectious disease in this State."

Senator Leavitt moved to lay the motion on the table.

Motion to lay on the table carried.

Senator Smith of Kern moved that further consideration of bill be postponed for one week, at the same hour.

Motion lost.

At two o'clock and fifty minutes P. M., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

At three o'clock and five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 560 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Hoey, Laird, Leavitt, Lukens, Maggard, Muentner, Nelson, Oneal, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senators Ashe, Belshaw, Flint, Greenwell, Luchsinger, Plunkett, Rowell, Sims, and Taylor—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

The hour for consideration of special order, being further consideration of Committee Substitute for Senate Bill No. 138—An Act to revise the

Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, on motion of Senator Devlin the further consideration of said bill was made special order for Tuesday, February 19, 1901, immediately after reading of the Journal.

COMMUNICATION.

The following telegram was read by the Secretary of the Senate:

WASHINGTON, D. C., February 18, 1901.

HON. THOMAS FLINT, JR., *Senate, Sacramento, Cal.*:

Would the Legislature pass an Act pledging the State to care for the Calaveras big trees, provided Congress authorizes their purchase? Kindly answer.

JULIUS KAHN.

Telegram referred to Committee on Forestry and Water Storage.

COMMITTEE REPORT POSTPONED.

On motion of Senator Devlin, the special committee of three appointed this day to which was referred Senate Bill No. 539, the same to be reported back this day, was given until to-morrow to report.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 397—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Also: Assembly Bill No. 319—An Act to amend an Act entitled "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State," approved March 9, 1878.

Also: Assembly Bill No. 232—An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along county roads for the use of pedestrians, and the wheeling thereon of such vehicles.

Also: Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Also: Amended, and adopted as amended, Senate Joint Resolution No. 12—Relative to attempted location of mineral oil lands as agricultural lands.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 161 ordered to enrollment.

Assembly Bill No. 397 read first time, and referred to Committee on Mining.

Assembly Bill No. 319 read first time, and referred to Committee on Drainage.

Assembly Bill No. 232 read first time, and referred to Committee on Municipal Corporations.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 12?"

ASSEMBLY AMENDMENT.

Strike out the words "as we feel and believe them to be," in lines twelve and thirteen of the resolution, on page two of the printed resolution.

The roll was called, and Assembly amendment to Senate Joint Resolution No. 12 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Corlett, Currier, Davis, Devlin, Flint, Green-

well, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Rowell, Selvaie, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Wolfe--24.
NOES—None.

Senate Joint Resolution No. 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Amendment No. 1 to Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain, and refused to concur in Senate Amendment No. 2 thereto, and respectfully ask your honorable body to recede therefrom.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

SPECIAL ORDERS SET.

On motion of Senator Davis, the above request of the Assembly asking the Senate to recede from the following amendment to Assembly Bill No. 90:

Amend by inserting at the end of line sixty-nine, page three of the printed bill, the following: "electric power lines, electric heat lines, and electric light, heat, and power lines"—

was made a special order for Tuesday, February 19, 1901, at three o'clock and thirty minutes P. M.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 18, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day received the following telegram from United States Senator Bard:

"WASHINGTON, D. C., February 18, 1901.

"GOVERNOR H. T. GAGE:

"Bill providing for purchase or condemnation of Calaveras Sequoia Grove having been passed by Senate, is opposed in House, but perhaps can be passed with amendment providing that appropriation shall be available; *provided*, California assumes management and expense of maintenance and protection. Is it, in your opinion, advisable and practicable for the Legislature to take early action in the matter?"

"THOMAS R. BARD."

In view of the importance to California of the preservation of its splendid sequoia forests, which command the admiration of the world, I respectfully suggest that your honorable body pass appropriate resolutions instructing our Senators and requesting our Representatives at Washington to assure Congress, in the event of the passage of a bill making an appropriation for the purchase or condemnation of the Calaveras Sequoia Grove, that the State of California will assume the management and expense of its maintenance and protection.

HENRY T. GAGE,
Governor of the State of California.

Communication referred to Committee on Executive Communications.

RESIGNATION OF CLERK.

SACRAMENTO, February 15, 1901.

To the President of the Senate:

I hereby tender my resignation as Clerk of the Committee on Federal Relations, to take effect on and after February 18, 1901.

B. POORE.

RESOLUTION.

The following resolution was offered by Senator Laird:

Resolved, That Mrs. J. T. Laird be and she is hereby appointed Clerk of the Committee on Federal Relations, and the Controller of State shall draw his warrant in accordance with this resolution from and including this date.

Resolution read, and referred to Committee on Contingent Expenses.

SPECIAL ORDER SET.

On motion of Senator Smith of Kern, all pending Senate Constitutional Amendments were made special order for Friday, February 22, 1901, immediately following the regular order after introduction of bills.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 167—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Also: Assembly Bill No. 54—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Also: Assembly Bill No. 427—An Act to amend Section 3825 of the Political Code.

Also: Assembly Bill No. 297—An Act to amend Section 1770 of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 296—An Act to amend Section 1777 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 417—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Also: Senate Bill No. 152—An Act creating a lien in favor of persons performing labor and rendering services in behalf of and during the last sickness of a deceased person, and in favor of those incurring expense and performing labor on account of the death and burial of such deceased person.

Also: Senate Bill No. 253—An Act to amend Section 2955 of the Civil Code of the State of California, relating to the mortgaging of personal property in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 463—An Act to amend Section 3819 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 439—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

Also: Senate Bill No. 254—An Act to add a new section to the Political Code of the State of California, to be numbered 3805½, concerning the cancellation of certificates of sale under void assessments for taxes, or when a deed made to the State under a sale of lands to the State for the non-payment of taxes would be void, to cancel the same.

Also: Senate Bill No. 411—An Act to amend Section 1460 of the Code of Civil Procedure, relating to embezzlement and surrender of property of the estate.

Also: Senate Bill No. 459—An Act to amend Sections 424 and 425 of the Penal Code of the State of California, relating to crimes against the revenues and property of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

DAVIS, Chairman.

Assembly Bills Nos. 167, 54, 427, 297, 296, and Senate Bills Nos. 417, 152, 253, 463, 439, 254, 411, and 459 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 15—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts—have had the

same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

TAYLOR, Chairman.

Assembly Bill No. 15 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS--(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: As a minority report of your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 15--An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts--respectfully recommend that the minority amendments annexed to the bill be adopted.

FRED M. SMITH.
E. K. TAYLOR.

ON REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Reformatories, to whom was referred Senate Bill No. 553--An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor--have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be referred to Committee on Finance.

FRED M. SMITH, Chairman.

Senate Bill No. 553 referred to Committee on Finance.

ON COMMERCE.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Commerce, to whom was referred Senate Bill No. 461--An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage--have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Senate Bill No. 461 ordered on file for second reading.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 563--An Act to amend Section 2712 of the Political Code, relating to the construction, maintenance, and repairs of bridges and tunnels or the purchase of toll-roads.

Also: Senate Bill No. 564--An Act to add a new section to the Political Code, to be known as Section 2647 of the Political Code, relating to the duties and powers of the Boards of Supervisors respecting roads.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUCHSINGER, Chairman.

Senate Bills Nos. 563 and 564 ordered on file for second reading.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 562--An Act entitled an Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto, enlarging the powers of boards of directors of such districts--have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GREENWELL, Chairman.

Senate Bill No. 562 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 15, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 139--An Act to revise the Penal Code of the State of California by amending certain sections, repealing others, and adding certain new sections--have had the same under

consideration, and report the same back, and respectfully recommend that the bill accompanying this report be introduced as a substitute, and that such substitute do pass.

Your committee further reports that said Senate Bill No. 139 embodies the suggestions made by the Commission for the Revision and Reform of the Law as to the revision of the Penal Code, and embodied in their report heretofore filed with the Secretary of State.

That in considering said bill, your committee met in joint sessions with a like committee of the Assembly.

That said substitute bill accompanying this report is substantially the same as Senate Bill No. 139, and is introduced in the form of a substitute for the reason that several of the provisions of the bill heretofore introduced were not adopted, and it was necessary to renumber the sections of the bill, which could not well be done by separate amendments.

Respectfully submitted.

SELVAGE, Chairman.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of J. J. Luchsinger for the sum of \$90, payable out of the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay the same; this amount being the actual expenses of the special committee appointed February 7, 1901, of Finance and Hospitals to visit Napa State Hospital and the Home for Feeble-Minded at Glen Ellen.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Nelson, Oneal, Simpson, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 35—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 593.

Senate Bill No. 105—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 18th day of February, 1901, at two o'clock and fifteen minutes P. M.

NELSON, Chairman.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the matter of the contested election case of Ben P. Tabor vs. W. B. Lardner for the seat in the Senate from the Fifth Senatorial District of the State of California, beg leave to report as follows:

Said committee have had the bills of the contestant and contestee under consideration, and we respectfully recommend that the following expenses be allowed:

To Contestee:

Expense incurred by contestee in securing testimony in his defense	\$28 30
Expense preparing pleadings and examining witnesses before commissioners	100 00
Charles Kenna, Sheriff of Placer County, summoning witnesses	18 75
A. S. Bosquit, Sheriff of El Dorado County, summoning witnesses	2 50
Witness fees and mileage, Placer County	55 90
Witness fees and mileage, El Dorado County	10 70
J. B. Landis, County Clerk of Placer County, two certificates	1 20
Justices' fees taking affidavits and certificates to depositions	9 75
J. Lozano, stenographer	10 00
Transcript of testimony	43 50
Abe Darlington, Notary Public, fees, taking depositions	13 25
F. P. Tuttle, attorney	100 00
Charles A. Swisler, attorney	100 00

To Contestant :

Fees of J. B. Landis, County Clerk of Placer County, filing contest, etc.....	\$2 65
Witness fees and mileage.....	43 10
A. S. Bosquit, Sheriff, serving subpoenas.....	9 75
Warren E. Doan, stenographer.....	8 00
Geo. W. Armstrong, examination of records and serving subpoenas.....	27 50
P. J. Stanton, witness fees.....	5 00
A. Darlington, notary public, taking depositions.....	8 00
J. H. Wells and G. Geraldson, Justice of the Peace, taking depositions.....	9 25
J. Lozano, typewriting deposition, notice of contest and amendments.....	80 00
Holl & Dunn, typewriting.....	1 50
Expense examining witnesses before Justice of the Peace.....	100 00
Verification of notice of contest and amendments.....	1 50
Joe Schnerr, serving subpoenas.....	5 00
Expense incurred securing testimony, witnesses, etc.....	20 75
C. T. Jones, attorney.....	50 00
Elwood Bruner, attorney.....	50 00

Your committee attaches hereto an itemized statement of the foregoing bills of expense, together with the vouchers on file with said committee, and respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following-named persons for the amounts set opposite their names, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same, viz:

W. B. Lardner.....	\$293 85
F. P. Tuttle.....	100 00
Chas. A. Swisler.....	100 00
Ben P. Tabor.....	322 00
C. T. Jones.....	50 00
Elwood Bruner.....	50 00

(In the Senate of the State of California.)

In the matter of the contest }
Ben P. Tabor vs. W. B. Lardner, } Fifth District.

Expenses in gathering testimony by W. B. Lardner in defending his seat:

1900.

Dec. 8, 9, 10—Horse and buggy for three days in visiting precincts in El Dorado County: Pilot Hill, Coloma, Placerville (four precincts), Kelsey, Garden Valley, Greenwood.....	\$6 00
Hotel bill on trip.....	5 00
Livery bill.....	2 00
Dec. 12—Railroad fare and expenses to Rocklin (two precincts), Loomis, Penryn, Newcastle.....	1 50
Dec. 13, 14—Horse and buggy to Lincoln (two precincts), Ophir, Mt. Pleasant, Gold Hill, Manzanita.....	4 00
Hotel bill and livery.....	2 50
Dec. 15, 16—To Dutch Flat, Gold Run, and Colfax precincts, railroad fare.....	3 30
Hotel and bus fare.....	2 50
Dec. 29—Horse and buggy to Ophir, hunting testimony.....	1 50

Bill of F. P. Tuttle, Esq.

1901.

Jan. 2, 3—Preparing pleadings and examining witnesses before commissioners for two days.....	50 00
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Bill of Charles A. Swisler, Esq.

Jan. 4-9—Expenses of traveling to precincts and conducting examinations before notary public and attorney in El Dorado County, January 4 to January 9, 1901.....	50 00
Jan. 4—Paid Charles Kenna, Sheriff of Placer County, summoning witnesses.....	18 75

Bill of A. S. Bosquit, Sheriff of El Dorado County.

Jan. 8—Summoning witnesses.....	2 50
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Witnesses' mileage and fees, Placer County.

Jan. 2, 3—N. D. Perkins, \$2.40; J. N. E. Manly, \$1.80; J. H. Gregory, \$2.40; Nate Westworth, \$3; Eugene Herald, \$2; Richard Turner, \$2; W. A. Falconer, \$2; R. H. Copp, \$2.40; F. W. Turner, \$2; H. W. Lambard, \$2.40; James Fisher, \$2.40; John Adams, \$1; H. P. Jenson, \$3.40; L. E. Brown, \$3.40; W. S. Allen, \$3.40; C. I. Newcomb, \$3.20; A. E. Flint, \$2.50; C. W. Hansom, \$4; June C. Taylor, \$2.40; E. S. Taylor, \$2.40; D. L. Allen, \$2.60; George E. Lamphrey, \$2.80.....	55 90
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Witnesses' mileage fees in El Dorado County.

Jan. 4-9—Joseph Lyon, \$4.50; T. C. Monbiek, \$3.20; William Burton, \$3.....	10 70
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Paid J. B. Landis, County Clerk, Placer County.

Jan. 2—Two certificates on testimony used in contest.....	\$1 20
<i>Justices and Commissioners' fees.</i>	
Jan. 2, 3—J. H. Wills and G. Geraldson, taking affidavits and certificates to depositions.....	9 75
Jan. 2, 3—J. Lozano, stenographer and typewriter, per diem.....	10 00
Transcript of testimony, 145 folios at 20 cents per folio, \$29; three carbons furnished, \$14.50.....	43 50
<i>Bill of Notary Public.</i>	
Jan. 4—Abe Darlington, to writing deposition of Joseph Lyon, eight folios, at 30 cents, \$2.40; T. C. Monbick, nine folios, \$2.70; William Burton, five folios, \$1.50; two certificates to depositions, \$2; to administering three oaths, \$1.50; to one copy of depositions of Lyons, Monbick, Burton, Hawkins, and Wubben, 31½ folios, at ten cents, \$3.15.....	13 25
Total.....	\$293 85

(In the Senate of State of the California.)

Expense account of Ben P. Tabor, contestant, *in re* contest with W. B. Lardner, contestee, Fifth District.

J. B. Landis, County Clerk, filing contest, etc.....	\$2 65
Charles Foster, witness fees.....	2 50
Fred Henny, witness fees.....	2 50
Peter Conley, witness fees.....	3 00
J. D. Fippens, witness fees.....	2 80
W. W. Fippens, witness fees.....	2 80
J. T. Kelly, witness fees.....	6 40
O. P. Demuth, witness fees.....	6 00
T. H. McKenna, witness fees.....	3 40
Lee E. Wallace, witness fees.....	2 10
James B. Meredith, witness fees.....	2 10
Nicholas Wabbenar, witness fees.....	5 00
Morten Hawkins, witness fees.....	4 50
A. S. Bosquit, Sheriff, subpoenas for two witnesses.....	9 75
Warren E. Doan, typewriting.....	8 00
George W. Armstrong, examination of records and subpoenas.....	27 50
P. J. Stanton, witness fees, two days.....	5 00
Abe Darlington, taking depositions.....	8 00
J. H. Wills and G. Geraldson, taking depositions.....	9 25
Expense examination of witnesses before Justice of the Peace and notary.....	100 00
J. Lozano, typewriting depositions and notice of contest and amendments (about).....	80 00
To Holl & Dunn, Sacramento, typewriting.....	1 50
Paid for expense of witnesses at American Hotel in Auburn.....	1 75
Paid for witnesses at Conroy Hotel.....	3 00
Expenses of trip to Placerville to take depositions, three days, and fare.....	15 00
Paid Joe Schnerr, for subpoena of witnesses Kelly, Stanton, and Demuth.....	5 00
Paid notary fees, verification of notice of contest and amendments.....	1 50
Paid Keena & Laycock for care of teams of witnesses.....	1 00
Total.....	\$322 00

DEVLIN, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote;

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Luchsinger, Lukens, Oneal, Plunkett, Selvage, Simpson, Sims, Taylor, and Tyrrell of San Francisco—22.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Also: Passed Senate Bill No. 6—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations.

Also: Senate Bill No. 268—An Act to make an appropriation to pay the claim of John S. Wilkins for services rendered for the State Quarantine Office, as messenger and clerk therefor, during the year 1900 (from January, 1900, to September, 1900, inclusive).

Also: Senate Bill No. 302—An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four, now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant.

Also: Senate Bill No. 210—An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Also: Senate Bill No. 244—An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same be kept," approved February 9, 1897.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following amendment to Senate Bill No. 36?"

ASSEMBLY AMENDMENT.

After the word "roads," in line fifty-eight, page three of the printed bill, insert the words "and flumes."

The roll was called, and Assembly amendment to Senate Bill No. 36 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Luchsinger, Nelson, Rowell, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—22.
NOES—None.

Senate Bills Nos. 36, 6, 268, 302, 210, and 244 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Leavitt: Senate Bill No. 584—An Act to amend Section 475 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tyrrell of San Francisco: Senate Bill No. 585—An Act to amend Sections 1183, 1184, and 1185 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property and improvements thereon.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Bill No. 586—An Act to amend Sections 3462 and 3463 of the Political Code.

Bill read first time, and referred to Committee on Drainage.

By Senator Oneal: Senate Bill No. 587—An Act to amend Section 207 of the Penal Code, relating to kidnaping.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 588—An Act to amend Section 211 of the Penal Code of California, relating to robbery.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 589—An Act to amend Section 777 of the Penal Code, relating to jurisdiction of public officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 590—An Act to amend Section 943 of the Penal Code, relating to indictments.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 591—An Act to amend Section 503 of the Penal Code, relating to embezzlement.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 19, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Monday, February 18, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 13, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Muentzer was granted a leave of absence for the day, on motion of Senator Lardner.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order, being further consideration of Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, the same was taken up.

Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections.

During the further second reading of bill on Friday, March 15, 1901. the following amendment was offered by Senator Leavitt:

Amend by striking out all of Section 313, pages one hundred and twenty-seven and one hundred and twenty-eight, printed bill.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Leavitt, Tyrrell of San Francisco, and Simpson.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Burnett, Corlett, Curtin, Cutter, Davis, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—18.

NOES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Devlin, Greenwell, Hoey, Nutt, Oneal, Rowell, Smith of Kern, Tyrrell of San Francisco, and Wolfe—14.

During the further second reading of bill, the following amendments were offered:

By Senator Curtin:

Amend by striking out of Section 44, line five, all after the word "sixty-nine" of said Section 44.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Wolfe, Laird, and Davis.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Ashe, Curtin, Taylor, and Wolfe—4.

NOES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Davis, Goad, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Sims, Smith of Los Angeles, and Tyrrell of San Francisco—22.

Also:

Amend by striking out of Section 27, line six, page eight, the words "and not exceeding sixty-five years."

Amendment lost.

By Senator Nutt:

Amend by inserting after line twenty of Section 64 the following: "The court in which any action is pending, to which an application has been made for an order to publish a summons, may make an order requiring any person to appear at a specified time before such court, or before some officer authorized to administer oaths, who shall be designated in said order, in any county of the State, and answer under oath such questions as may be propounded to such person regarding the residence of defendant, which testimony must be reduced to writing, and signed and sworn to by such person, and thereafter certified to by the person directed to take such testimony to the Clerk of the court in which such action is pending, and when so filed may be considered by the court in determining the residence of the defendant for the purpose of making the order of publication of summons as in this section provided."

Amendment adopted.

By Senator Curtin:

Amend by striking out of Section 466 all of line twenty after the word "capacity," in said line twenty, to and including the last word in line twenty-five in said section.

Amendment lost.

Also:

Amend by striking out of Section 56, line thirteen, all after the word "code," in said line thirteen.

Amendment lost.

By Senator Laird:

Amend by inserting after the word "proper," in line two, Section 2032, page two hundred and three, the following: "provided, that each party shall pay the cost of his own examination, and the officer before whom the deposition is taken shall be entitled

to demand and receive, from each party, a deposit sufficient to defray the expense of such examination by such party; and any party refusing to advance such deposit shall be deemed to have waived his examination of the witness."

Amendment adopted.

Also:

Amend by inserting "not exceeding twenty years" after the word "time," in line twelve, Section 39, page thirteen, printed bill.

Amendment adopted.

Substitute, as amended, read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

On motion of Senator Devlin, the further consideration of Committee Substitute for Senate Bill No. 138 was made special order for Thursday, February 21, 1901, immediately after reading of Journal.

CONSIDERATION OF SPECIAL ORDER RESET.

The hour for consideration of special order—being the consideration of report of Committee on Prisons—having arrived, Senator Belshaw moved that consideration of the special order be postponed until Wednesday, February 20, 1901, immediately after reading of Journal, and was therefore made special order for that hour.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your special committee of three, to whom was referred Senate Bill No. 539, respectfully report that your committee has had said bill under consideration, and recommend that it be amended as follows:

(a) Substitute for Section 1 the following:

"SECTION 1. It is hereby declared that it is necessary and expedient for the State of California to provide a permanent increase of the funds of the University of California."

(b) Substitute for Section 2 the following:

"SEC. 2. In addition to all other sums of money or funds provided for the support and maintenance of the University of California, there shall be paid to the treasurer of the University of California the sum of two hundred thousand (\$200,000.00) dollars biennially for the term of ten (10) years, commencing with the fifty-fifth fiscal year, and the said sums are hereby appropriated biennially out of any money in the State Treasury not otherwise appropriated."

(c) Substitute for Section 3 the following:

"SEC. 3. The said sums so appropriated shall be and become an item of the General Appropriation Bill, to be included therein each time as a part or item thereof, commencing with the General Appropriation Bill for the fifty-fifth and fifty-sixth fiscal years, and shall be paid at the times and in the same manner as in each General Appropriation Bill is provided for the payment of the other items thereof."

(d) Add a section, to be known as "Section 4," as follows:

"SEC. 4. The Controller is hereby authorized and directed to draw his warrants from time to time to the order of the treasurer of the University of California for the same, and the Treasurer of the State is hereby directed to pay such warrants."

(e) Add a section, to be known as "Section 5," as follows:

"SEC. 5. This Act shall take effect and be in force from and after its passage."

R. T. DEVLIN, Chairman.
G. R. LUKENS.
S. C. SMITH.

Amendments adopted.

Bill ordered to print, engrossment, and third reading.

PETITIONS.

The following petition was presented by Senator Flint, and ordered printed in the Journal down to and including the tenth name:

To the Hon. THOMAS FLINT, Esq., Senator representing Senatorial District No. 33:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that if passed by the Legislature each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

J. W. Bryant, W. S. Boggs, E. F. Winkler, E. M. Lloyd, G. S. Nash, J. M. McHenry, A. S. S. Van Heusen, E. J. Gleason, L. C. Scammon, W. W. Minor, and one hundred and twenty others, of Hollister; and sixteen others, from Pacific Grove.

Like petitions were presented as follows:

By Senator Belshaw, with ninety names.

By Senator Simpson, with thirty-five names.

By Senator Corlett, with eighty names.

By Senator Lukens, with one hundred names.

By Senator Devlin, with name of the pastor for the Sixth-Street M. E. Church of Sacramento.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON APPORTIONMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Also: Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

CUTTER, Chairman.

Senate Bills Nos. 142 and 447 ordered on file for second reading.

SPECIAL ORDER SET.

On motion of Senator Cutter, the consideration of Senate Bills Nos. 142 and 447 was made special order for Wednesday, February 20, 1901, at eight o'clock P. M.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That Mrs. J. T. Laird be and she is hereby appointed Clerk of the Committee on Federal Relations, and the Controller of State shall draw his warrant in accordance with this resolution from and including this date.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Carrier, Cutter, Davis, Devlin, Flint, Greenwell, Hory, Lardner, Maggard, Nelson, Nutt, Rowell, Selvaqe, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—27.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly reëngrossed:

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 15 is ratified by the people.

Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 690a, relating to and defining the offense of burning structures and other property under \$25 in value not subject to arson, and specifying the penalty therefor.

NELSON, Chairman.

Senate Bills Nos. 381 and 71 ordered on file for passage.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Senate Bill No. 392 ordered on file for second reading.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Assembly Bill No. 35—An Act entitled an Act to add a new section to the Penal Code, to be numbered 1588, to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide a penalty for the violation of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Assembly Bill No. 35 ordered on file for second reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 582—An Act making an appropriation for the propagation of steelhead trout in Humboldt County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

J. G. TYRRELL, Chairman.

Senate Bill No. 582 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Curtin: Senate Bill No. 592—An Act to amend an Act entitled "An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled 'An Act to provide for the organization and government of irrigation districts, and to

provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes, approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same," approved April 1, 1897, by repealing Sections 2, 3, 4, 5, 6, 7, 8, 9, and 10, and by amending Sections 4, 16, 17, and 18 thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Smith of Los Angeles (by request): Senate Bill No. 593—An Act to amend the Political Code of the State of California, relating to elections, by adding thereto a new section.

Bill read first time, and referred to Committee on Elections.

By Senator Ashe: Senate Bill No. 594—An Act to assist the City and County of San Francisco in driving a tunnel through Telegraph Hill, in said city and county, from a point on Montgomery Street, near Jackson Street, in a straight line to a point on said Montgomery Street, near Lombard Street, and in lining such tunnel, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 374—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

WITHDRAWAL OF BILL.

Senator Maggard asked for unanimous consent to withdraw Senate Bill No. 374.

Consent granted.

Bill withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Passed on file.

Senate Bill No. 450—An Act to amend an Act entitled "An Act making it unlawful to refuse admission to places of amusement."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.
NOES—Senators Ashe, Curtin, Nelson, Nutt, Oneal, Rowell, Shortridge, Sims, Smith of Kern, and Welch—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

HOOR FOR RECESS POSTPONED.

On motion of Senator Cutter, the hour for recess was postponed for ten minutes.

SUSPENSION OF RULES.

By unanimous vote, the rules were suspended for the purpose of considering Senate Bill No. 582.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Selvage:

Resolved, That Senate Bill No. 582 presents a case of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—31.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 582—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 582 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At the hour of twelve o'clock and forty minutes P. M., the President of the Senate declared the Senate at recess until two o'clock P. M. of this day

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 230—An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and punish persons violating the provisions of this Act.

Read third time.

Senator Nutt moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Amend by striking out of Section 5, line three, the word "major."

The question being on the motion to appoint a special committee of one. The ayes and noes were demanded by Senators Smith of Los Angeles, Belshaw, and Oneal.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bettman, Burnett, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Nutt, Plunkett, Rowell, Tyrrell of Nevada, and Wolfe—14.

NOES—Senators Ashe, Belshaw, Byrnes, Corlett, Currier, Cutter, Devlin, Laird, Lardner, Nelson, Oneal, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—17.

Senator Lukens moved to refer to Senator Taylor, as a special committee of one, to amend as follows:

Amend by inserting in Section 2, line seven, the words "of the State of California," after the word "osteopathy," in said line seven.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 230 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Bettman, Burnett, Byrnes, Flint, Goad, Laird, Lukens, Nutt, Plunkett, and Rowell—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 230 was this day passed.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS—(RESUMED).

Assembly Bill No. 140—An Act to establish Police Courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 140 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Currier, Cutter, Devlin, Flint, Goad, Green-

well, Laird, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Plunkett, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 142—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by Chapter CCLXII of the laws of 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 142 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Corlett, Currier, Cutter, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95—An Act to amend Section 1170 of the Penal Code, relating to exceptions that may be taken by the defendant on the trial of an indictment or information.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 95 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377—An Act to amend Section 1329 of the Penal Code in relation to witnesses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 377 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127—An Act to provide for a lunch hour for laborers in sawmills, shakemills, shingle-mills, and logging-camps.

Read third time.

TIME FOR CONSIDERATION OF ASSEMBLY BILLS EXTENDED.

On motion of Senator Selvage, the time for consideration of Assembly bills was extended until Assembly Bill No. 127 could be considered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Salvage, Shortridge, Sims, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senators Currier, Devlin, Lardner, Lukens, Simpson, Smith of Los Angeles, and Tyrrell of Nevada—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The hour for consideration of special order, being consideration of the request of Assembly asking the Senate to recede from the following amendment to Assembly Bill No. 90—

Amend by inserting at the end of line sixty-nine, page three of the printed bill, the following: "electric power lines, electric heat lines, and electric light, heat, and power lines" —

having arrived, Senator Davis moved that consideration of special order be postponed until Thursday, February 21, 1901, at three o'clock and thirty minutes p. m., and was therefore made special order for that hour.

LEAVE OF ABSENCE.

Senator Belshaw was granted leave of absence for the day, on his own motion.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Shortridge: Senate Bill No. 595—An Act to build and provide for the furnishing of a cottage upon the grounds of Agnews State Hospital, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 596—An Act to provide for improving the grounds of Agnews State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 597—An Act to provide for sinking an artesian well on the grounds of Agnews State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals.

Also: Senate Bill No. 598—An Act to provide for the erection of water towers and tanks on the grounds of Agnews State Hospital, and appropriating money therefor.

Bill read first time, and referred to Committee on Hospitals.

By Senator Smith of Los Angeles: Senate Bill No. 599—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of Supreme Court, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Tyrrell of San Francisco: Senate Bill No. 600—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Bill read first time, and referred to Committee on Health.

By Committee on Elections: Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees.

Bill read first time, and referred to Committee on Elections.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the message of the Governor relative to the Calaveras Sequoia Grove, have had the same under consideration, and respectfully report the accompanying joint resolution, and recommend that it be adopted.

WELCH, Chairman.

INTRODUCTION OF JOINT RESOLUTION.

The following Senate joint resolution was introduced:

By Committee on Executive Communications: Senate Joint Resolution No. 15—Relative to the Calaveras Sequoia Grove.

Senate joint resolution ordered to print, and on file.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the consideration of Senate Joint Resolution No. 15—Relative to the Calaveras Sequoia Grove—was made special order for Wednesday, February 20, 1901, immediately after reading of Journal.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered Section 1975, relating to the proof of proceedings of municipal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 46 passed by the following vote:

AYES—Senators Burnett, Caldwell, Currier, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Simpson, Simis, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the police department of cities and cities and counties.

Read third time, and passed on file.

Senate Bill No. 236—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the Marshal.

WITHDRAWAL OF BILL.

Senator Nutt asked for unanimous consent to withdraw Senate Bill No. 236.

Consent granted.

Bill withdrawn and ordered stricken from the file.

Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Passed on file.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Passed on file.

Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State to abate any public nuisance in any way affecting him, or his family, or his property.

Read third time.

Senator Cutter moved to refer to Senator Corlett, as a special committee of one, to amend as follows:

Amend by adding in Section 1, line four, printed bill, the words "located or maintained upon any public park, street, highway, or other property devoted to public uses," after the word "nuisance."

Also: Strike out the word "the," before "Senate," in enacting clause, and change "duly" to "do," in enacting clause.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State to abate any public nuisance in any way affecting him, or his family, or his property—with instructions to amend, respectfully reports the same back, amended as per instructions.

CORLETT, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 298 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—30.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Senator Bettman, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 20, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentzer, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Monday, February 18, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 14, 1901, having been previously read and corrected, was approved.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set for this hour, being the consideration of special report of Committee on Prisons, printed in the Journal of February 12, 1901, having arrived, the same was taken up.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Flint, Goad, Greenwell, Hoey, Laird, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—23.

NOES—None.

The hour for consideration of special order, being the consideration of Senate Joint Resolution No. 15—Relative to the purchase of the Calaveras Sequoia Grove—having arrived, the same was taken up.

SENATE JOINT RESOLUTION No. 15.

Relative to the purchase of the Calaveras Sequoia Grove.

WHEREAS, A bill is now pending in the House of Representatives for the purchase by the Federal Government of the Calaveras Sequoia Grove; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Senators be instructed and our Representatives in Congress requested to use all proper means to secure the passage of Senate bill in Congress providing for the purchase or condemnation of Calaveras Sequoia Grove; and be it further

Resolved, That the Legislature of the State of California do hereby pledge ourselves to provide for the expense of the management and maintenance of the same.

Resolved, That a copy of this preamble and these resolutions be immediately telegraphed by the Secretary of the Senate to our Representatives in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of California, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—28.

NOES—None.

Senate Joint Resolution No. 15 ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Also: Passed Assembly Bill No. 250—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Assembly Constitutional Amendment No. 9 is ratified by the people.

Also: Adopted Assembly Constitutional Amendment No. 11—Relative to amending city and county charters.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Constitutional Amendments Nos. 9 and 11 referred to Committee on Constitutional Amendments.

Assembly Bill No. 250 read first time, and referred to Committee on Constitutional Amendments.

PETITIONS.

The following petition was presented by Senator Belshaw, and ordered printed in the Journal down to and including the tenth name:

TO THE HON. C. M. BELSHAW, Senator representing Senatorial District No. 11:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that if passed by the Legislature each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

H. A. Moore, S. S. Woodard, Joseph Corti, John Moline, Chris. F. Mockler, W. H. Atkinson, J. F. Schottler, John B. Green, David Wilson, J. R. Davenport (each of San Rafael, Marin County), and forty others.

The following petition was presented by Senator Sims, with seventy-four names:

TO THE HON. J. C. SIMS, Senator representing Senatorial District No. 10:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that if passed by the Legislature each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

S. S. Murphy, W. H. Whitehead, Isaac Shriver, T. J. Sill, J. W. Cottle, T. J. Wisecarver, J. H. Stone, C. B. Hemill, J. D. A. Bennett, C. A. Deltemark (each of Geyserville, Cal.), and sixty-four others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 464—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Also: Senate Bill No. 345—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons.

Also: Senate Bill No. 486—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

Also: Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco under the Act of 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 479—An Act to amend Section 1000 of the Political Code, relating to appointive power of Governor.

Also: Assembly Bill No. 5—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Also: Assembly Bill No. 383—An Act to amend Section 1882 of the Political Code by increasing the number of years for which bonds may be issued.

Also: Assembly Bill No. 150—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Also: Senate Bill No. 283—An Act to amend Section 92 of the Civil Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 420—An Act to amend Sections 1, 5, and 6 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 368—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Also: Senate Bill No. 340—An Act to define the duties of and to license land surveyors, approved March 31, 1891.

Also: Senate Bill No. 342—An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons.

Also: Senate Bill No. 343—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the estates of deceased persons.

Also: Senate Bill No. 344—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the administration of estates of deceased persons.

Have had the same under consideration, and respectfully report the same back, and recommend that the respective authors be permitted to withdraw the same.

DAVIS, Chairman.

Assembly Bills Nos. 464, 5, 383, and 150, and Senate Bills Nos. 345, 486, 451, 479, 283, and 420 ordered on file for second reading.

Senate Bills Nos. 368, 340, 342, 343, and 344 withdrawn and ordered stricken from the file.

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Assembly Bill No. 53—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Assembly Bill No. 53 ordered on file for second reading.

ON FORESTRY AND WATER STORAGE.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Forestry and Water Storage, to whom was referred telegram from Julius Kahn, dated Washington, D. C., February 18, 1901—have had the same under consideration, and respectfully report the same back, and recommend that the same having been already acted upon by the Senate Committee on Executive Communications, it is reported back without action.

Also: Senate Bill No. 379—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance.

Also: Assembly Bill No. 4—An Act to amend an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872, and to extend the provisions of said Act to private lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NUTT, Chairman.

Senate Bill No. 379 referred to Committee on Finance.

Assembly Bill No. 4 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 5—A proposed amendment to Article IX of the Constitution, relative to a State Normal School Board.

Also: Assembly Constitutional Amendment No. 2—A proposed amendment to Article XII of the Constitution, relative to corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

Also: Senate Constitutional Amendment No. 13—A proposed amendment to Article I of the Constitution, relative to offenses—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CALDWELL, Chairman.

Senate Constitutional Amendments Nos. 5 and 13 and Assembly Constitutional Amendment No. 2 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 330—An Act to amend Section 25 and Section 52 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to powers of Supervisors of counties.

Also: Senate Bill No. 397—An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Also: Assembly Bill No. 362—An Act to amend Section 3951 of the Political Code of the State of California, relating to the boundaries of the County of San Mateo.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 221—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the amendment to the compensation of officers of the counties of the thirty-seventh class.

Also: Senate Bill No. 498—An amendment to an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 200 thereof, relating to county officers, their compensation and expenses, in counties of the forty-third class.

Also: Senate Bill No. 529—An Act to amend Section 183 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to salaries and fees of county and township officers, and providing for a deputy county clerk, deputy sheriff, and deputy assessor, and for the fees of trial jurors in criminal cases, and grand jurors.

Also: Senate Bill No. 547—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 575—An Act to amend Section 195 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Have had the same under consideration, and respectfully report the same back without recommendation.

LUKENS, Chairman.

Assembly Bill No. 362 and Senate Bills Nos. 330, 397, 221, 498, 529, 547, and 575 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Senate Joint Resolution No. 12—Relative to attempted location of mineral oil lands as agricultural lands.

Senate Bill No. 36—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1238 thereof.

Senate Bill No. 6—An Act to amend Section 870 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations.

Senate Bill No. 268—An Act to make an appropriation to pay the claim of John S. Wilkins for services rendered the State (Quarantine Office as messenger and clerk thereof during the year 1900 (from January, 1900, to September, 1900, inclusive).

Senate Bill No. 302—An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four, now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant.

Senate Bill No. 210—An Act to repeal an Act entitled "An Act to provide for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897.

Senate Bill No. 244—An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same be kept," approved February 9, 1897.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 20th day of February, A. D. 1901, at ten o'clock and sixteen minutes A.M.

NELSON, Chairman.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the sum of \$649.40 is hereby appropriated out of the Contingent Fund of the Senate for the purpose of paying the expenses attendant upon the committee appointed at the thirty-third session of the California Legislature for the purpose of investigating the State Printing Office—the said amount to be paid to the following named persons, in the amount set opposite their names; and the Controller is hereby directed to draw his warrant in payment for same, and the Treasurer is directed to pay same:

Charles M. Shortridge	\$110 60
R. Porter Ashe	105 50
F. J. Brandon, clerk	367 30
Nora Andrews, stenographer	50 00
M. Doyle, stenographer	10 00
S. I. Hannum	6 00
Total	\$649 40

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Caldwell, Currier, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Plunkett, Selva, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Welch—25.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Belshaw: Senate Bill No. 602—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the

Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Bill read first time, and referred to Committee on Finance.

Also: Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution by adding to Article IV thereof a new section, to be known as Section 25½, relating to the division of the State into fish and game districts.

Referred to Committee on Constitutional Amendments.

By Senator Leavitt: Senate Bill No. 603—An Act amending Section 1521 of the Political Code by adding new subdivisions thereto relating to the State Board of Education; providing for the appointment of a Text-Book Commissioner and the formation of a Board of Text-Book Commissioners; prescribing their duties and fixing their compensation; providing for the publication of a uniform series of text-books; providing for the use of same in the common schools of the State; making an appropriation, and authorizing the use of money derived from sale of text-books for carrying out the purpose of this Act; repealing Sections 1519, 1663, 1665, 1666, and 1874 of the Political Code.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 604—An Act to repeal Subdivision 9 of Section 1521 of the Political Code, relating to an educational journal.

Bill read first time, and referred to Committee on Education.

By Senator Lukens: Senate Bill No. 605—An Act to provide one additional Judge for the Superior Court of the County of Alameda.

Bill read first time, and referred to Committee on Judiciary.

By Senator Maggard: Senate Bill No. 606—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, and giving away of baneful or injurious food adulterants.

Bill read first time, and referred to Committee on Health.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the police department of cities and counties.

Read third time on a previous day.

Senator Smith of Kern moved to refer to Senator Hoey, as a special committee of one, to amend as follows:

Amend by inserting after the word "cities," in line one, the words "of the first class."
Also: Add after the word "cities," in the title, the words "of the first class."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the

police department of cities and cities and counties—with instructions to amend, respectfully reports the same back, amended as per instructions.

HOEY, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 54—An Act to amend Sections 1532, 1543, 1545, 1551, 1552, 1553, 1560, 1561, 1564, 1565, 1577, 1578, 1581, 1583, 1593, 1613, 1615, 1617, 1621, 1622, 1623, 1650, 1667, 1697, 1713, 1714, 1768, 1830, 1858, 1875, and 1882 of the Political Code of the State of California, relating to the public schools.

Read third time.

Senator Leavitt moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

Amend by striking out all of Section 29.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 refused passage by the following vote:

AYES—Senators Ashe, Currier, Goad, Lardner, Lukens, Nutt, Rowell, Selvage, Sims, Smith of Kern, and Taylor—11.

NOES—Senators Beitman, Burnett, Byrnes, Curtin, Cutter, Davis, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—20.

Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Passed on file.

Committee Substitute for Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 116 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Read third time.

Senator Hoey moved to refer to Senator Smith of Kern, as a special committee of one, to amend as follows:

Amend by striking out of Section 4, lines one and two, the words "from and after its passage," and inserting the following: "January first, nineteen hundred and two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California,

and making an appropriation therefor—with instructions to amend, respectfully reports the same back, amended as per instructions.

S. C. SMITH, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 114—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be numbered 637½, providing for the protection of wild birds and their eggs and nests.

Read third time.

Senator Caldwell moved to refer to Senator Currier, as a special committee of one, to amend as follows:

Amend by inserting, after the word "poison," "save the bird known as the linnet."

The question being on the motion to refer to special committee of one.

The ayes and noes were demanded by Senators Taylor, Lukens, and Leavitt.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Greenwell, Muentner, Nutt, and Plunkett—12.

NOES—Senators Davis, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Pace, Rowell, Salvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—17.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 114 passed by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Corlett, Davis, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Pace, Plunkett, Rowell, Salvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—24.

NOES—Senators Caldwell, Currier, Cutter, Greenwell, and Nutt—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 473—An Act adding a new section to the Political Code of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Pace, Plunkett, Rowell, Salvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—27.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366—An Act to authorize suits against the State concerning certain real property and regulating the procedure therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 366 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Salvage, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Devlin asked for and was granted unanimous consent to take up Senate Bill No. 408 for immediate consideration.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Read third time.

Senator Simpson moved to refer to Senator Devlin, as a special committee of one, to amend as follows:

Amend Section 4, line ten, page three of the printed bill, after the word "grave," by adding the words "the expenses of which shall not exceed the sum of five (\$5.00) dollars for cartage and properly setting each stone. The expenses thus incurred shall be audited and paid as provided in section two of the Act for burial expenses."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States—with instructions to amend, respectfully reports the same back, amended as per instructions.

DEVLIN, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Muentner:

Resolved, That Senators Laird, Muentner, and Smith of Los Angeles, of the Committee on Hospitals, and Senators Luchsinger, Nutt, and Greenwell, of the Committee on Finance, and Senator Caldwell, be and they are hereby authorized to visit the State Hospital at Ukiah on Saturday, February 23, A. D. 1901, in order that the needs of this institution may be thoroughly inquired into, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, and Taylor—32.

NOES—None.

SPECIAL ORDER SET.

On motion of Senator Devlin, consideration of Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—was made special order for Thursday, February 21, 1901, immediately after the special order already set for consideration of Senate Bill No. 138.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 231—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication, and the

taking of affidavits to be used in procuring the order for publication of summons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 231 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Taylor, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 209—An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Read third time.

Senator Cutter moved to refer to Senator Corlett, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line seven, printed bill, the words "receive no compensation," and inserting the following: "each receive an annual compensation of one hundred dollars."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 209—An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874—with instructions to amend, respectfully reports the same back, amended as per instructions.

CORLETT, Chairman.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court; to appoint a secretary, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 187 passed by the following vote:

AYES—Senators Ashe, Burnett, Caldwell, Corlett, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bills Nos. 93 to 101, inclusive—An Act to amend Sections 3629, 3632, 3638, 3649, 3716, 3771, 3807, 3884, and 3889 of the Political Code of the State of California, relating to the assessment and collection of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 93 to 101, inclusive, passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Curtin, Cutter, Davis, Goad, Hoey, Laird, Lardner, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bills Nos. 311 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder.

Read third time.

Senator Smith of Kern moved to refer to Senator Davis, as a special committee of one, to amend as follows:

Amend by striking out of Section 5, line twelve, the period, and inserting the following: "*provided*, that no such judgment shall be payable before January first, nineteen hundred and two."

Also: Insert in Section 6, line eight, after the word "fiscal," the words "or calendar."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bills No. 311 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President of the Senate declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—33.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 80—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 80 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Currier, Cutter, Davis, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Oneal, Rowell, Shortridge, Sims, Smith of Los Angeles, Welch, and Wolfe—23.

NOES—Senator Goad—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 175—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the Marshal.

Passed on file.

Assembly Bill No. 271—An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 271 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 139—An Act to amend Section 103 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, and Smith of Los Angeles—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 47—An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 47 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Goad, Greenwell, Hoey, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Los Angeles, and Tyrrell of San Francisco—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 303—An Act to add a new section to the Penal Code of the State of California, to be numbered 373½, relating to public nuisances.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the fraction " $\frac{1}{2}$," in title of Act, page one, printed bill, and inserting in lieu thereof the word "a."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "and one half," in line two, Section 1, page one, printed bill, and inserting in lieu thereof the word "a."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the fraction " $\frac{1}{2}$," in line four, section one, page one, printed bill, and inserting in lieu thereof the word "a."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 187—An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates, by providing for the designation of what proportion of the rates fixed is for annual reasonable expenses and what proportion is for net annual receipts and profits.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 187 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Currier, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvaie, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279—An Act making an appropriation to pay the claim of Fred B. Blakeley for the arrest of Ygnacio Eisler, a highway robber.

During second reading of bill, the following amendments were offered:

By Senator Smith of Kern:

Amend by striking out of Section 2, line one, the word "immediately," and inserting the words "January first, nineteen hundred and two."

Amendment adopted.

By Senator Belshaw:

Amend by striking out of Section 1, lines three and four, the words "the same having been approved by the State Board of Examiners"

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 145—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "immediately," in line one, Section 3, first page,

printed bill, and inserting in lieu thereof the words "January one, nineteen hundred and one."

Amendment adopted.

Bill read second time, ordered to print and third reading.

ASSEMBLY JOINT RESOLUTION No. 11.

Relative to what are commonly known as and called the "California War Claims."

WHEREAS, The just claims of the State of California against the Government of the United States for furnishing, equipping, and paying volunteers during the Civil War, aggregating over four millions of dollars, are still unsettled;

WHEREAS, The equity and justness of these claims have often been admitted and never successfully disputed;

WHEREAS, The two houses of Congress have heretofore passed bills relating to and providing for the refunding of at least three million nine hundred and fifty-one thousand nine hundred and fifteen dollars and forty-two cents of the said claims, but have failed to agree finally upon the terms thereof, so that the same have not been enacted into laws; and,

WHEREAS, This State has been so long deprived of its rights respecting these claims that the delay is becoming oppressive and intolerable; therefore, be it, and it is

Resolved by the Assembly of the State of California, the Senate concurring. That we respectfully instruct our Senators and request our Representatives in the Congress of the United States to use all honorable means to secure the enactment by that body of a law providing for the refunding to this State, without further delay, of at least the sum of three million nine hundred and fifty-one thousand nine hundred and fifteen dollars and forty-two cents, in settlement of the claims aforesaid; that his Excellency the Governor of the State of California be requested to forward to each of our Senators and Representatives in Congress a properly certified copy of this resolution.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Simpson, Smith of Kern, Taylor, and Tyrrell of San Francisco—27.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Assembly Bill No. 52—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 19—An Act to appropriate \$1,015 to pay the claim of Thomas D. Riordan for legal services rendered and expenses incurred by him in that certain action commenced in the Superior Court of the State of California, in and for the City and County of San Francisco, and which was therein entitled the People of the State of California, by Tirey L. Ford, Attorney-General, plaintiff, vs. Charles F. Curry, as Secretary of State of the State of California, No. 73,277, and decided on appeal by the Supreme Court of the State of California, and therein entitled the People of the State of California, plaintiff and appellant, vs. Charles F. Curry, as Secretary of State of the State of California, defendant and respondent, and numbered San Francisco No. 2442.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 176—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 54—An Act to amend an Act entitled "An Act

requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed or recorded," approved March 9, 1893.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 167—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California relative to the disposition of fines and forfeitures collected by any court in the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 427—An Act to amend Section 3825 of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 297—An Act to amend Section 1770 of the Code of Civil Procedure of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 296—An Act to amend Section 1777 of the Code of Civil Procedure of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 15—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

SPECIAL ORDER SET.

During second reading of bill, Senator Simpson moved that further consideration of the bill be made special order for Thursday, February 21, 1901, at two o'clock P. M.

The question being on the motion to make special order.

The roll was called, and the motion carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—35.

NOES—None.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 35—An Act entitled an Act to add a new section to the Penal Code, to be numbered 1588, to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide a penalty for the violation of said Act.

During second reading of bill, the following amendments were submitted by the committee:

SENATE COMMITTEE AMENDMENT No. 1.

Amend the title by striking out the words from and after the figures "1588" to and including the word "Act," and inserting in lieu thereof the following: "Making it unlaw-

ful for the State Board of Prison Directors or the State prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State in the manufacturing, cutting, or dressing any curbing or cross-walk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes, and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts for use on State highways, county or district roads."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 2.

Amend by striking out all the words after the figures "1588," in line four, first page of the printed bill, to and including the word "accordingly," in lines nineteen and twenty, second page of the printed bill, and inserting in lieu thereof the following: "It shall be unlawful for the State Board of Prison Directors or the State prison authorities at Folsom, or any other State penal institution in the State of California, to engage or employ any person confined or employed in any penal institution in said State, in the manufacturing, cutting, or dressing any curbing or cross-walk material for street or sidewalk purposes, monuments, headstones, coping, posts, or steps suitable for use, or to be used in cemetery work, cut granite for building purposes and dimension stone for cemetery or building work, except such cut and dimension stone as may be used in State prison buildings and walls, cut stone for arches in bridges and culverts for use on State highways, county or district roads. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and punished accordingly."

Amendment adopted.

Bill read second time, ordered to print and third reading.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Devlin, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 20, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 20, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 2—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

The present bill directs the Controller to draw his warrant in favor of the County of Marin for the sum of \$3,046.75, and is to take effect from July 1st of the present year.

As far as I am informed of the nature of this claim (which is not expressed in the present bill), it appears to be based in part, at least, upon costs incurred in the trial of convicts imprisoned in the State Prison at San Quentin. Assuming the claim to be thus partly founded, the requirements of Section 111 of the Penal Code, a properly certified statement of such costs should have been sent to the State Prison Directors.

I am informed that this claim has not been laid before the State Board of Examiners for consideration, as it should have been, and inasmuch as the claim has not been presented, as required by Section 111 of the Penal Code, I am obliged to disapprove of it for that reason, as well as for the further reason that it is made payable next July, instead of after January, 1902, when the revenues from the present year are received.

HENRY T. GAGE,
Governor of the State of California.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of the Governor's veto to Senate Bill No. 2 was made special order for Thursday, February 21, 1901, at eleven o'clock A. M.

MESSAGES FROM THE GOVERNOR—(RESUMED).

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 20, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day received the report of the Paris Commission of 1900, together with a communication, of which the following is a copy:

"SAN FRANCISCO, CAL., February 18, 1901.

"HON. HENRY T. GAGE, *Governor of the State of California, Sacramento, California:*

"DEAR SIR: We herewith transmit to you the report of the California Paris Exposition Commission, which would have been presented weeks ago but for the fact that the vouchers and papers were in the hands of the investigating committee.

"This report we send to you by Wells, Fargo & Co.'s Express. We hardly expect that you will be able to read it during the present session of the Legislature. We will see you after you have examined the report with reference to printing the same, which, under all the circumstances, we do not now consider necessary.

"All of the employes of the commission, except the secretary, will to-morrow cease to draw salaries, and as soon as all claims are settled and goods delivered, which will be within a very short time, the money now in the hands of the commission will be deposited in the State Treasury.

"Respectfully yours,

"CALIFORNIA PARIS EXPOSITION COMMISSION OF 1900.

"E. W. RUNYON, President.

"W. W. FOOTE, Commissioner.

"V. W. GASKILL, Secretary."

As but one copy of the report of said commission has been furnished, and as it is too voluminous to be transcribed with the limited help at my disposal, I beg leave to inform you that said report is on file in this department, subject to your inspection, and to such action as may be deemed advisable by your honorable body.

HENRY T. GAGE,
Governor of the State of California.

Referred to Committee on Executive Communications.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering Senate Bill No. 322—An Act amending Section 751 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the officers of cities of the fifth class.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Pace, Plunkett, Rowell, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Senate Bill No. 322—An Act amending Section 751 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the officers of cities of the fifth class.

Bill read second time.

During second reading of bill, the following amendments, previously printed in bill, were submitted:

SENATE COMMITTEE AMENDMENTS.

Amend by adding in line ten, Section 1, first page, printed bill, after word "clerk," the words "an attorney."

Amendment adopted.

Also:

Amend by adding at end of Section 1, line twenty-three, second page, printed bill, the following: "4. The City Attorney elected shall be ex officio City Clerk."

Amendment adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Senate Bill No. 322 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 322—An Act amending Section 751 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations" approved March 13, 1883, relating to the officers of cities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 322 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Also: Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

J. G. TYRRELL, Chairman.

Senate Bills Nos. 580 and 555 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 385—An Act to amend Section 857 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 514—An Act to amend Section 857 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TAYLOR, Chairman.

Assembly Bill No. 385 and Senate Bill No. 514 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 2—Relative to Chinese immigration—have had the same under consideration, and respectfully report the same back, and recommend that the Assembly be requested to permit the author to withdraw the same.

LAIRD, Chairman.

Assembly Joint Resolution No. 2 ordered on file.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 105—An Act repealing Sections 1357 to 1380, both inclusive, of the Political Code, relating to primary elections.

Also: Assembly Bill No. 409—An Act to amend Section 1346 of the Political Code, relating to elections.

Also: Assembly Bill No. 411—An Act to amend Section 1290 of the Political Code, relating to elections.

Also: Assembly Bill No. 412—An Act to amend Section 1288 of the Political Code, relating to elections.

Also: Assembly Bill No. 579—An Act to amend Section 1192 of the Political Code, relating to elections.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

DEVLIN, Chairman

Assembly Bills Nos. 105, 409, 411, 412, and 579 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Nelson:

Resolved, That Senators Nelson, Maggard, and Bettman, of the Committee on Health, be and they are hereby authorized to visit the State Hospital at Ukiah on Saturday, February 23, 1901, in order that the needs of this institution may be thoroughly inquired into, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Rowell, Selva, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—Senator Goad—1.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred to committees as indicated:

By Senator Smith of Los Angeles: Senate Bill No. 608—An Act to amend Sections 336, 337, and 339 of the Code of Civil Procedure of the State of California, relating to fixing the period of limitation of time of commencement of certain actions.

Bill read first time, and referred to Committee on Judiciary.

By Senator Burnett: Senate Bill No. 609—An Act to define express

companies, and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Bill read first time, and referred to Committee on Corporations.

SECOND READING OF BILLS.

Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 92—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 365—An Act for the relief of J. E. Atkinson for personal injuries received by him while in the service of the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL ON FILE.

Senator Byrnes asked for unanimous consent to withdraw Senate Bill No. 196—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions—and substitute Senate Bill No. 557 therefor on file.

Consent granted.

Senate Bill No. 196 withdrawn from file and Senate Bill No. 557 substituted therefor on file.

Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Leavitt asked for and was granted unanimous consent to take up Senate Bill No. 561 for immediate consideration.

Senate Bill No. 561—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock, except for medicinal purposes, and making the same a misdemeanor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 356—An Act making an appropriation to pay the claim of Bateman Bros. for work performed in the construction of

the Union Depot and Ferry House in the City and County of San Francisco.

Passed on file.

Senate Bill No. 290—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

RECESS.

At four o'clock and fifteen minutes P. M., Senator Bettman moved that the Senate take a recess until eight o'clock P. M. of this day.

The question being on the motion to take a recess.

The ayes and noes were demanded by Senators Wolfe, Davis, and Caldwell.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Cutter, Flint, Hoey, Laird, Lardner, Maggard, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—21.

NOES—Senators Caldwell, Curtin, Davis, Devlin, Goad, Greenwell, Leavitt, Nutt, Taylor, and Wolfe—10.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, and Wolfe—27.

Quorum present.

SPECIAL ORDER RESET.

The hour for consideration of special order, being the consideration of Senate Bill No. 142—An Act to divide the State into congressional districts and provide for the election of members of the House of Representatives of the United States therein; and Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—having arrived, Senator Leavitt moved that consideration of special order be postponed until Thursday, February 21, 1901, at eight o'clock P. M., and was therefore made special order for that hour.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 361—An Act to amend Sections 1917, 1918, 1936, 1939, 1962, 1980, 1984, 2009, 2076, 2077, and 2105; to repeal Section 1990; and to add new sections, to be known and numbered as Sections 1973a, 2106, all of and to the Political Code of the State of California, relating to the National Guard—have had the same under consideration, and respectfully report that they recommend the accompanying bill as a substitute therefor, and that the substitute take the place on file of Senate Bill No. 361.

HOEY, Chairman.

Senate Bill No. 361 ordered on file.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 592—An Act to amend an Act entitled "An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same," approved April 1, 1897, by repealing Sections 2, 3, 5, 6, 7, 8, 9, and 10, and by amending Sections 4, 16, 17, and 18 thereof—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute do pass.

GREENWELL, Chairman.

Senate Bill No. 592 ordered on file for second reading.

On motion of Senator Curtin, the proposed committee substitute for above bill was ordered printed.

PETITIONS.

The following petitions were presented by Senator Shortridge, and ordered printed in the Journal down to and including the tenth name:

To the HON. CHARLES M. SHORTRIDGE, Senator representing Senatorial District No. 31:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that if passed by the Legislature each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

A. J. Hanson, C. Thackeray, W. H. Blodgett, W. H. Surve, Jerome B. Liscott, F. G. Hanger, F. R. Capp, J. C. Lloyd, E. C. Holbrook, L. T. Cook—from Campbell, Santa Clara County.

Also, a like petition from Palo Alto, with twenty-seven names thereon.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 476—An Act making an appropriation to pay the County of Alameda for the support of orphans, half-orphans, and abandoned children during the half year ending June 30, 1898.

During second reading of bill, the following amendment was offered by Senator Taylor:

Amend by striking out of Section 3, lines one and two, the words "July first, nineteen hundred and one," and inserting the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Smith of Kern asked for unanimous consent to withdraw Senate Bill No. 104—An Act to amend Section 1170 of the Penal Code, relating to exceptions that may be taken by the defendant on the trial of an indictment or information.

Consent granted.

Senate Bill No. 104 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 146—An Act to amend Sections 974, 975, 976, 977, and 980 of the Code of Civil Procedure, relating to appeals from the Justices' and Police Courts to the Superior Court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 120—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Davis, Senate Bill No. 290 was recalled from engrossment for purpose of amendment.

Senate Bill No. 290—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands.

During second reading of bill, the following amendment was offered by Senator Smith of Kern:

Amend by striking out of Section 3, line one, the word "immediately," and inserting in lieu thereof the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 356—An Act making an appropriation to pay the claim of Bateman Bros. for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

During second reading of bill, the following substitute was submitted by the committee:

FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 356.

An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Bateman Bros. for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered to pay the claim of Bateman Bros. for four thousand and forty-one and fifty one-hundredths (\$4,041⁵⁰/₁₀₀) dollars, for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco, said sum of four thousand and forty-one and fifty one-hundredths (\$4,041⁵⁰/₁₀₀) dollars being now due and owing from the State of California to said Bateman Bros. for said work.

SEC. 2. The Board of State Harbor Commissioners are hereby authorized and empowered to draw their draft on the State Controller, payable out of the San Francisco Harbor Improvement Fund, for the sum of four thousand and forty-one and fifty one-hundredths (\$4,041⁵⁰/₁₀₀) dollars, in payment of said claim of Bateman Bros.

SEC. 3. On the draft of the Board of State Harbor Commissioners, the State Controller is hereby authorized and directed to draw his warrant in favor of said Bateman Bros. for said sum of four thousand and forty-one and fifty one-hundredths (\$4,041⁵⁰/₁₀₀)

dollars, payable out of the San Francisco Harbor Improvement Fund, and the State Treasurer is hereby directed to pay the same.

SEC. 4. This Act shall take effect from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent and regarding recording of notices of intention to sell certain personal property.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Smith of Kern, Senate Bill No. 365 was recalled from engrossment for the purpose of amendment.

Senate Bill No. 365—An Act for the relief of J. E. Atkinson for personal injuries received by him while in the service of the State.

During second reading of bill, the following amendment was offered by Senator Smith of Kern:

Amend by striking out of Section 3, line one, the word "immediately," and inserting in lieu thereof the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, to reenact Section 3859 of said Code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said Code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Passed on file.

Senate Bill No. 13—An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 250—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 436—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing

body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

During second reading of bill, the following amendment was offered by Senator Lukens:

Amend by striking out of Section 2, line four, all the words following the word "misdemeanor."

Amendment lost.

Bill read second time, ordered to print, engrossment, and third reading.

LEAVE OF ABSENCE.

At eight o'clock and forty-five minutes P. M., the members of the Committee on Finance were granted a leave of absence for one half hour, on motion of Senator Smith of Kern.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 427—An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "fourteen," in line one, Section 2, first page, printed bill, and inserting in lieu thereof the word "twelve."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 429—An Act to define the duties and liabilities and to limit the powers of employment agents.

Passed on file.

Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

During second reading of bill, the following amendments were submitted by the committee:

"SEC. 4. Every pharmacist claiming the right of registration under this Act shall, on or before the first day of July next after its passage, forward to the Board of Pharmacy satisfactory proof that he was a duly registered pharmacist under the provisions of an Act to regulate the practice of pharmacy or sale of poisons in the State of California, approved March eleventh, eighteen hundred and ninety-one, and engaged in the business of preparing and dispensing medicines and physicians' prescriptions at the time, or that he is otherwise entitled to registration under its provisions. The Board of Pharmacy shall then issue to said applicant, on his paying the sum of two (\$2) dollars, a certificate of registration. Any practicing pharmacist failing to comply with the requirements of this section within sixty days from and after the first day of July, 1901, shall forfeit his right to registration, and shall appear for examination as provided for in this Act.

"SEC. 5. Every assistant pharmacist claiming right of registration under this Act, without passing an examination by the Board of Pharmacy, shall, on or before the first day of July next after the passage, forward to the Board of Pharmacy satisfactory proof

that he has had five years' experience in drugstores where physicians' prescriptions are prepared. The Board of Pharmacy shall then issue to said applicant, upon his paying the sum of one (\$1) dollar, a certificate of registration as assistant pharmacist. Any assistant failing to comply with the requirements of this section within sixty (60) days from and after the first day of July, nineteen hundred and one, shall forfeit his right to registration without passing the examination provided for in this Act. No registered assistant shall conduct a pharmacy, or be granted a certificate as registered pharmacist, until he has passed the examination for licentiate in pharmacy as required by this Act."

Amendment adopted.

Also:

In Section 6, page three, amend by striking out all of line twenty-four, and in lieu thereof inserting the words, "cause the prosecution of all persons."

Amendment adopted.

Also:

In Section 9, page six, amend by striking out after the words "board shall" all of lines thirty and thirty-one, and in lieu thereof inserting the words, "duly cause the prosecution of the offender, as provided in this Act."

Amendment adopted.

Also:

Amend Section 11, page seven, line thirty-one, by striking out the word "or," and inserting after the word "shop" the words "or drugstore," and after the word "poison," in the same line, insert the words "and where no other prescriptions are filed for regular practitioners."

Amendment adopted.

Also:

Amend as follows: Insert, after the word "drugstore," in the amendment to Section 11, page seven, the words "advertised or otherwise."

The question being on the adoption of the above amendment.

ADJOURNMENT.

There being no quorum present and voting, at nine o'clock and twenty minutes P. M., the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 21, 1901.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—33.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Wednesday, February 20, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, February 15, 1901, having been previously read and corrected, was approved.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Davis:

Resolved, That when the Senate adjourn to-day, it do so out of respect to the memory of the Hon. Stephen M. White; that the Senate of California will ever preserve the tradition of his ability and impartiality as a presiding officer, though the voice that stirred it by its eloquence is silent forever; that the State has lost a heart that always throbbed for its interests, and the nation a counsellor of nerve, and force, and brain; an intellect and soul that always made for patriotism.

Resolved, That a committee of five be appointed to draft a suitable memorial to be spread upon our minutes.

Resolution read.

The question being on the adoption of the resolution.

The same was unanimously adopted by a rising vote.

REPORT OF STANDING COMMITTEE.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections.

Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Senate Bill No. 92—An Act making an appropriation to pay the State Board of Horticulture for moneys expended in behalf of the State of California.

Senate Bill No. 561—An Act to prevent the tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock, except for medicinal purposes, and making the same a misdemeanor.

Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of judgments held by the State of California against any person or persons, arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Senate Bill No. 146—An Act to amend Sections 974, 975, 976, 977, and 980 of the Code of Civil Procedure, relating to appeals from the Justices' and Police Courts to the Superior Court.

Senate Bill No. 120—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and controlling of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent, and regarding the recording of notices of intention to sell certain personal property.

Senate Bill No. 13—An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Senate Bill No. 250—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, and the amendments thereto, approved March 18, 1889, and March 26, 1895, respectively.

Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes.

Senate Bill No. 436—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor,

and to provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of money raised thereby.

Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889.

NELSON, Chairman.

Senate Bills Nos. 138, 372, 456, 92, 561, 557, 146, 120, 508, 13, 250, 252, 436, and 434 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order, being further consideration of Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, the same was taken up.

Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections.

Read third time.

Senator Cutter moved to refer to Senator Corlett, as a special committee of one, to amend as follows:

Amend by striking out of Section 513, line two, page two hundred and nineteen, printed bill, the words "July, nineteen hundred and one," and inserting in lieu thereof the words "January, nineteen hundred and three."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 138 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Plunkett, Rowell, Selva, Simpson, Smith of Kern, Tyrrell of San Francisco, and Welch—25.

NOES—Senators Ashe, Curtin, Cutter, Goad, Nelson, and Taylor—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

The hour for consideration of special order, being the consideration of Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, the same was taken up.

Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 140.

An Act to revise the Civil Code of the State of California, by amending certain sections, repealing others, and adding certain new sections.

WHEREAS, The Legislature of the State of California did, by an Act approved on the twenty-eighth day of March, eighteen hundred and ninety-five, create "The Commission for the Revision and Reform of the Law," among other things, to revise and examine the Civil Code of the State of California and to report such revision and examination to the Legislature; and whereas, pursuant to said Act the Governor of the State of California did appoint said commission; and whereas, said commission did thereafter, in pursuance of said Act, file with the Secretary of State a report recommending, among

other things, a revision of the Civil Code; now, therefore, in view of said recommendation, and for the purpose of revising said code—

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said code is hereby amended to read as follows:

Section 4. The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this code. The code establishes the law of this state respecting the subjects to which it relates, and its provisions and all proceedings under it are to be liberally construed, with a view to effect its objects and to promote justice.

SEC. 2. Section five of said code is hereby amended to read as follows:

Section 5. The provisions of this code, so far as they are substantially the same as existing statutes, or the common law, must be regarded as continuations thereof, and not as new enactments.

SEC. 3. Section eight of said code is hereby repealed.

SEC. 4. Section nine of said code is hereby amended to read as follows:

Section 9. All other days than those mentioned in the last section are to be deemed business days for all purposes.

SEC. 5. Section fourteen of said code is hereby amended to read as follows:

Section 14. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word person includes a corporation as well as a natural person; county includes city and county; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it, by a person who writes his own name as a witness. The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

1. The word "property" includes property real and personal;
2. The words "real property" are coextensive with lands, tenements, and hereditaments;
3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt;
4. The word "month" means a calendar month, unless otherwise expressed;
5. The word "will" includes codicil;
6. The word "section" whenever hereinafter employed refers to a section of this code, unless some other code or statute is expressly mentioned.

SEC. 6. Section twenty of said code is hereby amended to read as follows:

Section 20. No statute, law, or rule is continued in force because it is consistent with the provisions of this code on the same subject; but in all cases provided for by this code, all statutes, laws, and rules heretofore in force in this state, whether consistent or not with the provisions of this code, unless expressly continued in force by it, are repealed or abrogated. This repeal or abrogation does not revive any former law heretofore repealed, nor does it affect any right already existing or accrued, or any action or proceeding already taken, except as in this code provided, nor does it affect any private statute not expressly repealed.

SEC. 7. Section twenty-six of said code is hereby amended to read as follows:

Section 26. The periods specified in the preceding section must be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority. Thus, if a male is born at any time during the first day of January, nineteen hundred, he attains his majority at the first minute of the first day of January, nineteen hundred and twenty-one.

SEC. 8. Section thirty-four of said code is hereby amended to read as follows:

Section 34. A minor may make any other contract than as above specified, in the same manner as an adult, subject only to his power of disaffirmance under the provisions of this part, and subject to the provisions of the titles on marriage, and on master and servant.

SEC. 9. Section forty of said code is hereby amended to read as follows:

Section 40. After his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, nor delegate any power, nor waive any right, until his restoration to capacity. But a certificate from the medical superintendent of the institution to which such person may have been committed, showing that such person has been discharged therefrom, cured and restored to reason, establishes the presumption of legal capacity in such person from the time of such discharge.

SEC. 10. Section forty-seven of said code is hereby amended to read as follows:

Section 47. A privileged publication is one made:

1. In the proper discharge of an official duty;
2. In any legislative or judicial proceeding, or in any other official proceeding authorized by law. But irrelevant or immaterial matter voluntarily and maliciously published in the course of a judicial proceeding is not privileged;
3. In a communication, without malice, to a person interested therein, by one who is also interested, or by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or who is requested by the person interested to give the information;

4. By a fair and true report, without malice, in a public journal, of a judicial, legislative, or other public official proceeding, or of anything said in the course thereof, or of a verified charge or complaint made by any person to a public official, upon which complaint a warrant shall have been issued;

5. By a fair and true report, without malice, of the proceedings of a public meeting, if such meeting was lawfully convened for a lawful purpose and open to the public, or the publication of the matter complained of was for the public benefit.

SEC. 11. Section forty-nine of said code is hereby amended to read as follows:

Section 49. The rights of personal relation forbid:

1. The abduction or enticement of a husband from his wife, of a wife from her husband, of a child from a parent or from a guardian entitled to its custody, or of a servant from his master;

2. The seduction of a wife, daughter, orphan sister, or servant;

3. Any injury to a servant which affects his ability to serve his master.

SEC. 12. A new section is hereby added to said code, to be numbered fifty-one, and to read as follows:

Section 51. All citizens within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities, and privileges of inns, restaurants, hotels, eating-houses, barber-shops, bath-houses, theaters, skating-rinks, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

SEC. 13. A new section is hereby added to said code, to be numbered fifty-two, and to read as follows:

Section 52. Whoever violates any of the provisions of the last preceding section, by denying to any citizen, except for reasons applicable alike to every race or color, the full accommodations, advantages, facilities, and privileges in said section enumerated, or by aiding or inciting such denial, or whoever makes any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to all citizens of every color or race whatever, in respect to the admission of any citizen to, or his treatment in, any inn, restaurant, eating-house, barber-shop, bath-house, theater, skating-rink, or other public place of amusement or accommodation, whether such place is licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, for each and every such offense is liable in damages in an amount not less than fifty dollars, which may be recovered in an action at law brought for that purpose.

SEC. 14. A new section is hereby added to said code, to be numbered fifty-three, and to read as follows:

Section 53. It is unlawful for any corporation, person, or association, or the proprietor, lessee, or the agents of either, of any opera-house, theater, melodeon, museum, circus, caravan, race-course, fair, or other place of public amusement or entertainment, to refuse admittance to any person over the age of twenty-one years, who presents a ticket of admission acquired by purchase, or who tenders the price thereof for such ticket, and who demands admission to such place. Any person under the influence of liquor, or who is guilty of boisterous conduct, or any person of lewd or immoral character, may be excluded from any such place of amusement.

SEC. 15. A new section is hereby added to said code, to be numbered fifty-four, and to read as follows:

Section 54. Any person who is refused admission to any place of amusement contrary to the provisions of the last preceding section, is entitled to recover from the proprietor, lessee, or their agents, or from any such person, corporation, or association, or the directors thereof, his actual damages, and one hundred dollars in addition thereto.

SEC. 16. Section fifty-eight of said code is hereby repealed.

SEC. 17. Section sixty of said code is hereby amended to read as follows:

Section 60. All marriages of white persons with negroes, mongolians, or mulattoes are illegal and void.

SEC. 18. Section sixty-one of said code is hereby amended to read as follows:

Section 61. A subsequent marriage contracted by any person during the life of a former husband or wife of such person, with any person other than such former husband or wife, is illegal and void from the beginning, unless:

1. The former marriage has been annulled or dissolved by a decree entered at least one year prior to such subsequent marriage;

2. Unless such former husband or wife was absent, and not known to such person to be living for the space of five successive years immediately preceding such subsequent marriage, or was generally reputed or believed by such person to be dead at the time such subsequent marriage was contracted;

In either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

SEC. 19. Section sixty-eight of said code is hereby amended to read as follows:

Section 68. Marriage must be licensed, solemnized, authenticated, and recorded as provided in this article; but non-compliance with its provisions by others than a party to a marriage does not invalidate it.

SEC. 20. Section sixty-nine of said code is hereby amended to read as follows:

Section 69. All persons about to be joined in marriage must first obtain a license therefor from the county clerk of the county in which the marriage is to be celebrated, showing:

1. The identity of the parties;

2. Their real and full names and places of residence;

3. Their ages, if minors, or that they are over the ages of eighteen and twenty-one respectively, if adults;

4. If the male is under the age of twenty-one, or the female under the age of eighteen years, the consent of the father, mother, or guardian, or of the one having charge of such person, if such consent is given; or that such nonaged person has been previously, but is not at the time, married. For the purpose of ascertaining these facts, the clerk is required to receive affidavits or to examine parties and witnesses on oath, and reduce such examination to writing, to be by them subscribed. If the male is under the age of twenty-one years, or the female under the age of eighteen, and such person has not been previously married, no license must be issued by the clerk, unless the consent in writing of the parents of the person under age, or of one of such parents, or of his or her guardian, or of one having charge of such person, is presented to him; and such consent must be filed by the clerk. No license must be issued authorizing the marriage of a white person with a negro, mulatto, or mongolian.

SEC. 21. Section seventy of said code is hereby amended to read as follows:

Section 70. Marriage may be solemnized by either a justice of the supreme court, judge of the superior court, a justice of the peace, police judge, priest, or minister of the gospel of any denomination.

SEC. 22. Section seventy-four of said code is hereby amended to read as follows:

Section 74. He must, within thirty days after the marriage, file such license and certificate with the county recorder, and at any time, while they remain in his possession, he must, at the request of either party, make and deliver to him or her, a certified copy thereof.

SEC. 23. Section seventy-nine of said code is hereby repealed.

SEC. 24. Section seventy-nine and a half of said code is hereby numbered seventy-nine a, and as so numbered shall read:

Section 79a. The provisions of this chapter, so far as they relate to the solemnizing of marriages, are not applicable to members of any particular religious denomination having, as such, any peculiar mode of entering the marriage relation; but such marriages must be declared, as provided in section seventy-six, and be acknowledged and recorded, as provided in section seventy-seven. Where a marriage is declared as provided in said section seventy-six, the husband must file said declaration with the county recorder within thirty days after such marriage, and upon receiving the same the county recorder must record the same; and if the husband fails to make such declaration and file the same for record, as herein provided, he is liable to the same penalties as any person authorized to solemnize marriages, who fails to make the return of such solemnization as provided by law.

SEC. 25. Section eighty-four of said code is hereby amended to read as follows:

Section 84. A judgment of nullity of marriage does not affect the legitimacy of children begotten before the judgment.

SEC. 26. Section ninety-four of said code is hereby amended to read as follows:

Section 94. Extreme cruelty is the wrongful infliction of grievous bodily injury or grievous mental suffering upon the other by one party to the marriage.

SEC. 27. Section one hundred and six of said code is hereby amended to read as follows:

Section 106. Habitual intemperance is that degree of intemperance from the use of intoxicants which disqualifies the person a great portion of the time from properly attending to business, or which would reasonably inflict a course of great mental anguish upon the innocent party.

SEC. 28. Section one hundred and twenty-three of said code is hereby amended to read as follows:

Section 123. Condonation of a cause of divorce, shown in the answer as a recriminatory defense, is a bar to such defense, unless the condonation is revoked, as provided in section one hundred and twenty-one.

SEC. 29. Section one hundred and thirty-six of said code is hereby amended to read as follows:

Section 136. Though judgment of divorce is denied, the court may, in an action for divorce, provide for the maintenance by the husband of the wife and children of the marriage, or any of them.

SEC. 30. Section one hundred and thirty-seven of said code is hereby amended to read as follows:

Section 137. While an action for divorce is pending the court may, in its discretion, require the husband to pay as alimony any money necessary to enable the wife to support herself or her children, or to prosecute or defend the action. When the husband wilfully deserts or abandons the wife, or when entitled to a divorce from him for any cause, she may, without applying for a divorce, maintain in the superior court an action against him for permanent support and maintenance of herself, or of herself and children. During the pendency of such action the court may, in its discretion, require the husband to pay as alimony any money necessary for the prosecution of the action and for support and maintenance, and execution may issue therefor in the discretion of the court. The final judgment in such action may be enforced by the court by such order or orders as in its discretion it may from time to time deem necessary, and such order or orders may be varied, altered, or revoked at the discretion of the court. If the existence of the marriage is denied, no alimony pendente lite must be allowed, until upon a hearing for that purpose, had after due notice, the court finds from the evidence

the fact of the existence of the marriage. Such hearing and finding, however, must not affect the trial of the action upon the merits, or the judgment rendered thereon.

SEC. 31. Section one hundred and forty-four of said code is hereby repealed.

SEC. 32. Section one hundred and forty-six of said code is hereby amended to read as follows:

Section 146. In case of the dissolution of the marriage by the decree of a court of competent jurisdiction, the community property and the homestead must be assigned as follows:

1. If the decree is rendered on the ground of adultery or extreme cruelty, the community property must be assigned to the respective parties in such proportions as the court, from all the facts of the case, and the condition of the parties, may deem just; but in no event must less than one half thereof be awarded to the innocent party;

2. If the decree is rendered on any other ground than that of adultery or extreme cruelty, the community property must be equally divided between the parties;

3. If a homestead has been selected from the community property, it may be assigned to the innocent party, either absolutely, or for a limited period, subject, in the latter case, to the future disposition of the court, or it may, in the discretion of the court, be divided, or be sold and the proceeds divided;

4. If a homestead has been selected from the separate property of either, it must be assigned to the former owner of such property, subject to the power of the court to assign it for a limited period to the innocent party.

SEC. 33. Section one hundred and sixty-one of said code is hereby amended to read as follows:

Section 161. A husband and wife may hold property as joint tenants,*tenants by entireties, tenants in common, or as community property.

SEC. 34. Section one hundred and sixty-four of said code is hereby amended to read as follows:

Section 164. All other property acquired after marriage by either husband or wife, or both, is community property; but whenever any property is conveyed, or transferred to, or otherwise placed in the name of, a married woman, by an instrument in writing, the presumption is that the title is thereby vested in her as her separate property. And in case the conveyance is to such married woman and to her husband, or to her and any other person, the presumption is that the married woman takes the part conveyed to her, as tenant in common, unless a different intention is expressed in the instrument, and the presumptions in this section mentioned are conclusive in favor of a purchaser or incumbrancer in good faith and for a valuable consideration. And in cases where a married woman or a widow has conveyed, or shall hereafter convey, real property, her husband, or his heirs or assigns, are barred from commencing or maintaining any action to show that such real property was community property, or to recover the same, as follows: As to conveyances made prior to March fourth, eighteen hundred and ninety-seven, one year after such making; and as to conveyances made after such date, one year from the filing for record in the recorder's office of such conveyances respectively.

SEC. 35. Section one hundred and seventy of said code is hereby amended to read as follows:

Section 170. The separate property of the husband is not liable for the debts of the wife.

SEC. 36. Section one hundred and ninety-three of said code is hereby amended to read as follows:

Section 193. All children born in wedlock are presumed to be legitimate. The issue of all marriages null in law, or dissolved by divorce, are legitimate.

SEC. 37. Section two hundred and twenty-four of said code is hereby amended to read as follows:

Section 224. A legitimate child cannot be adopted without the consent of its parents, if living; nor an illegitimate child without the consent of its mother, if living; except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or cruelty, and for either cause divorced, or adjudged to be habitually intemperate in the use of intoxicants, or who has been judicially deprived of the custody of the child on account of cruelty or neglect; neither is the consent of any one necessary in the case of any abandoned child: *provided, however*, that any such child, being a half orphan, and kept and maintained in any orphan asylum in this state for more than two years, may be adopted with the consent of the managers of such orphans' home without the consent of the parent, unless such parent has paid toward the expenses of maintenance of such half orphan at least a reasonable sum during the said time, if able so to do.

SEC. 38. Section two hundred and twenty-six of said code is hereby amended to read as follows:

Section 226. Any person desiring to adopt a child may, for that purpose, petition the superior court of the county in which the petitioner resides. The person adopting a child, and the child adopted, and the other persons, if within or residents of this state, whose consent is necessary, must appear before the court, and the necessary consent must thereupon be signed and an agreement executed by the person adopting, to the effect that the child shall be adopted and treated in all respects as his own lawful child should be treated. If the persons whose consent is necessary are not within or are not residents of this state, then their written consent, duly proved or acknowledged, according to sections eleven hundred and eighty-two and eleven hundred and eighty-three, must be filed in said superior court at the time of the application for adoption.

SEC. 39. Section two hundred and twenty-seven of said code is hereby amended to read as follows:

Section 227. The court must examine all persons appearing before it pursuant to the last section, each separately, and if satisfied that the interests of the child will be promoted by the adoption, it must make an order declaring that the child shall thenceforth be regarded and treated in all respects as the child of the person adopting. The petition, agreement, consent, and order must be filed and registered in the office of the county clerk in the same manner as papers in other special proceedings

SEC. 40. Section two hundred and thirty of said code is hereby amended to read as follows:

Section 230. The father of an illegitimate child, by publicly and in a writing signed by him in the presence of a competent subscribing witness, acknowledging it as his own and, if married, by receiving it as such into his family with the consent of his wife, thereby adopts it as such; and such child is thereupon deemed for all purposes legitimate from the time of its birth. The foregoing provisions of this chapter do not apply to such an adoption.

SEC. 41. Section two hundred and forty-two of said code is hereby repealed.

SEC. 42. Section two hundred and forty-three of said code is hereby repealed.

SEC. 43. Section two hundred and forty-four of said code is hereby repealed.

SEC. 44. Section two hundred and forty-five of said code is hereby repealed.

SEC. 45. Section two hundred and forty-six of said code is hereby amended to read as follows:

Section 246. In awarding the custody of a minor, or in appointing a general guardian, the court or officer is to be guided by the following considerations:

1. By what appears to be for the best interest of the child in respect to its temporal and its mental and moral welfare; and if the child is of a sufficient age to form an intelligent preference, the court may consider that preference in determining the question;

2. As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right; but other things being equal, if the child is of tender years, it should be given to the mother; if it is of an age to require education and preparation for labor or business, then to the father;

3. If two persons equally entitled to the custody in other respects, preference is to be given as follows:

(1) To a parent;

(2) To one who was indicated by the wishes of a deceased parent;

(3) To one who already stands in the position of a trustee of a fund to be applied to the child's support;

(4) To a relative;

4. Any parent who knowingly or wilfully abandons, or having the ability so to do, fails to maintain his minor child under the age of fourteen years, forfeits the guardianship of such child; and any parent or guardian who knowingly permits his child or ward to remain for the space of one year in any orphan asylum of this state, wherein such child is supported by charity, and who, during such period, fails to give notice in writing to the managers or officers of such asylum that he is such parent or guardian, abandons and forever forfeits all right to the guardianship, care, custody, and control of such child. The officers and managers of any orphan asylum having any such abandoned child in its care have the preferred right to the guardianship of such child.

SEC. 46. Section two hundred and forty-seven of said code is hereby repealed.

SEC. 47. Section two hundred and forty-eight of said code is hereby repealed.

SEC. 48. Section two hundred and forty-nine of said code is hereby repealed.

SEC. 49. Section two hundred and fifty-five of said code is hereby repealed.

SEC. 50. Section two hundred and fifty-eight of said code is hereby repealed.

SEC. 51. Section two hundred and sixty-four of said code is hereby amended to read as follows:

Section 264. Every minor of the age of fourteen years or upwards may be bound by indenture as an apprentice to any mechanical trade or art or the occupation of farming to the age of eighteen years, if a female, or to the age of twenty-one years, if a male.

SEC. 52. Section two hundred and sixty-five of said code is hereby amended to read as follows:

Section 265. A minor, with his consent, may be bound by his father, or, in case of his death or incompetency, or where he has wilfully abandoned his family for one year without making suitable provision for their support, or is habitually intemperate in the use of intoxicants, or is a vagrant, then by his mother or legal guardian. An executor, who, by the will of the father, is directed to bring up a child to a trade or calling, has power to bind by indenture in like manner as the father might have done, if living. If a child is illegitimate, the mother alone has power to bind him. If a minor has no parent or guardian competent to act for him, he may bind himself, with the approval of the superior court of the county wherein he resides. If the mother of a minor, whether legitimate or illegitimate, marries after his birth, she cannot bind him without the approval of such superior court.

SEC. 53. Section two hundred and sixty-six of said code is hereby amended to read as follows:

Section 266. Every indenture of apprenticeship must be executed in duplicate, must state the age of the minor, and, except as hereinafter provided, must show that he consented thereto, must be signed by him and the person binding and the master, and

when made with the approval of the superior court, a certified copy of the order of approval must be attached to the indenture. One copy of the indenture must be delivered to the master and the other kept for the use of the minor by his parent or guardian when executed by him, or, when made with the approval of the court, it must be filed and deposited with the clerk for safe keeping for the use of the minor. No indenture binds the minor after the default of the master, but thereafter the minor may be bound anew. Every indenture entered into otherwise than as herein provided is, as against the apprentice, absolutely void.

SEC. 54. Section two hundred and sixty-seven of said code is hereby amended to read as follows:

Section 267. Facts of incapacity, desertion, habitual intemperance, and vagrancy must be decided in said court by a jury, before the indenture can take effect, and an indorsement on the indenture, under seal of the court, that the charge or charges are proved, is sufficient evidence of the mother's power to give such consent; but if the jury does not find the charge or charges to be true, the person at whose instance such proceedings may have been had must pay all costs attending the same.

SEC. 55. Section two hundred and sixty-eight of said code is hereby amended to read as follows:

Section 268. When a minor is poor, homeless, chargeable to the county or state, or an outcast who has no visible means of obtaining an honest livelihood, the superior court may, with his consent, bind him as an apprentice during his minority. Proceedings therefor may be instituted by any citizen, and no fee must be charged by any officer for any act in connection therewith. In all indentures by the court for binding out an orphan or homeless minor as an apprentice there must be inserted, among other things, a clause to the following effect: that the master to whom such minor is bound must cause him to be taught to read and write and the ground rules of arithmetic, ratio and proportion, and must give him the requisite instruction in the different branches of his trade or calling, and, at the expiration of his term of service, must give him or her fifty dollars in gold, and two whole new suits of clothes, to be worth in the aggregate at least sixty dollars gold.

SEC. 56. Section two hundred and sixty-nine of said code is hereby amended to read as follows:

Section 269. A master must not remove his apprentice out of the state, and must pay and deliver to him the money, clothes, and other property to which he is entitled under the indenture of apprenticeship, to be held by him as his sole property.

SEC. 57. Section two hundred and seventy of said code is hereby amended to read as follows:

Section 270. Parents and guardians and such court must, from time to time, inquire into the treatment of children bound by them respectively, or with their approval and the judges of such courts are responsible for the charge of apprentices bound by a court or with its approval, and must defend them from all cruelty, neglect, breach of contract, or misconduct on the part of their masters.

SEC. 58. Section two hundred and seventy-one of said code is hereby amended to read as follows:

Section 271. The superior court must hear the complaints of apprentices who reside within the county against their masters, alleging undeserved or immoderate correction, insufficient allowance of food, raiment, or lodging, want of instruction in the different branches of their trade or calling, or that they are in danger of being removed out of the state, or any violation of the indenture of apprenticeship, and the court must hear and determine such case and make such order therein as will relieve the party in the future.

SEC. 59. Section two hundred and seventy-two of said code is hereby amended to read as follows:

Section 272. The superior court has power, where circumstances require it, to discharge an apprentice from his apprenticeship, and, in case any money or other thing has been paid or contracted to be paid by either party in relation to the apprenticeship, the court must make such order concerning the same as seems just and reasonable. If the apprentice so discharged was originally bound by the superior court, it must, if found necessary, again bind such minor, if under age.

SEC. 60. Section two hundred and seventy-three of said code is hereby amended to read as follows:

Section 273. Every master is liable to an action on the indenture for a breach of any covenant thereof on his part. All damages recovered in such action, after deducting necessary charges in its prosecution, belong to the minor, and must be applied and appropriated to his use by the person recovering it in his behalf and must be paid to the minor, if a male, at the age of twenty-one years, and if a female, at the age of eighteen years. If no action is brought during the minority of the apprentice, it may be commenced by him in his own name at any time within two years after his coming of age.

SEC. 61. Section two hundred and seventy-four of said code is hereby amended to read as follows:

Section 274. An apprentice who is guilty of any gross misbehavior, or refusal to do his duty, or wilful neglect thereof, is liable to the complaint of his master in the superior court of the county wherein the apprentice resides. Such complaint must set forth the circumstances of the case, and have attached thereto a citation, signed by the clerk of the court, requiring him and all persons who have covenanted in his behalf to appear and answer the complaint within ten days after the service thereof. The complaint and citation must be served in the manner required for serving civil process. When the parties

have answered, or when, though they have not answered, the time therefor allowed after the service of the complaint has expired, the court must proceed to hear and determine the cause, and, if the evidence warrants it, may render judgment that the master be discharged from the contract of apprenticeship and for costs of suit. Such costs may be recovered from the parent or guardian of the minor, if there is any who signed the indenture, and execution therefor may issue accordingly. If there is no parent or guardian liable for such costs, execution may be issued therefor against the minor, or the amount thereof may be recovered in an action against him after he arrives at full age. He is also liable to the master in an action on the indenture for the breach of any covenant on the part of the apprentice contained therein, committed before the master was discharged from the indenture.

SEC. 62. Section two hundred and seventy-five of said code is hereby amended to read as follows:

Section 275. It is unlawful for any person to entice, counsel or persuade to run away any apprentice, or to employ, harbor, or conceal him, knowing him to be a runaway. Any party so offending is guilty of a misdemeanor, and may be fined not less than fifty dollars and not more than one hundred dollars, to be recovered by the master in any court having jurisdiction.

SEC. 63. Section two hundred and seventy-six of said code is hereby amended to read as follows:

Section 276. Whenever any master wishes to remove out of the state, or to quit his trade or business, he must appear with his apprentice before the superior court of the county in which the latter resides, and if the court is satisfied that the master has done justice to the apprentice for the time he has had charge of him, the court has power to discharge the master from the indenture and to again bind the apprentice, if necessary.

SEC. 64. Section two hundred and ninety-nine of said code is hereby amended to read as follows:

Section 299. No corporation hereafter formed must purchase, locate, or hold property in any county in this state, other than the county in which its original articles of incorporation are filed, without filing a copy of the copy of its articles of incorporation filed in the office of the secretary of state, duly certified by such secretary of state, in the office of the county clerk of the county in which such property is situated, within sixty days after such purchase or location is made. Every corporation now in existence, whether formed under the provisions of this code or not, must, within ninety days after the passage of this section, file such certified copy of the copy of its articles of incorporation in the office of the county clerk of every county in this state in which it holds any property, except the county where the original articles of incorporation are filed; and if any corporation hereafter acquires any property in a county other than that in which it now holds property, it must, within ninety days thereafter, file with the clerk of such county such certified copy of the copy of its articles of incorporation. The copies filed with the several county clerks, and certified copies thereof, have the same force and effect in evidence as the originals. Any corporation failing to comply with the provisions of this section cannot maintain or defend any action or proceeding in relation to such property, its rents, issues, or profits, until such articles of incorporation, and such certified copy of its articles of incorporation, and such certified copy of the copy of its articles of incorporation, are filed at the places directed by the general law and this section; *provided*, that all corporations are liable in damages for any and all loss that may arise by the failure or such corporation to perform any of the foregoing duties within the time mentioned in this section; and *provided further*, that the said damages may be recovered in an action brought in any court of this state of competent jurisdiction, by any party or parties suffering the same.

SEC. 65. Section three hundred and one of said code is hereby amended to read as follows:

Section 301. Every corporation formed under this title may adopt a code of by-laws for its government not inconsistent with the constitution and laws of this state. The assent of stockholders representing a majority of all the subscribed capital stock, or of a majority of the members, if there is no capital stock, is necessary to adopt by-laws, if they are adopted at a meeting called for that purpose; and in the event of such meeting being called, two weeks' notice of the same by advertisement in some newspaper published in the county in which the principal place or business of the corporation is located, or if none is published therein, then in a paper published in an adjoining county, must be given by order of the acting president. The written assent of the holders of two thirds of the stock, or of two thirds of the members, if there is no capital stock, is effectual to adopt a code of by-laws without a meeting for that purpose.

SEC. 66. Section three hundred and two of said code is hereby amended to read as follows:

Section 302. The directors of a corporation must be elected annually by the stockholders or members, and if no provision is made in the by-laws for the time of election, the election must be held on the first Tuesday in June. Notice of such election must be given as prescribed in section three hundred and one.

SEC. 67. Section three hundred and three of said code is hereby amended to read as follows:

Section 303. A corporation may, by its by-laws, provide for:

1. The time, place, and manner of calling and conducting its meetings, and may dispense with notice of all regular meetings of stockholders or directors;
2. The number of stockholders or members constituting a quorum;

3. The mode of voting by proxy;
4. The qualifications and duties of directors, and also the time of their annual election, and the mode and manner of giving notice thereof;
5. The compensation and duties of officers;
6. The manner of election and the tenure of office of all officers other than the directors;
7. Suitable penalties for violations of by-laws, not exceeding, in any case, one hundred dollars for any one offense;
8. The newspaper in which all notices of the meetings of stockholders or board of directors, notice of which is required, must be published, which must be some newspaper published in the county where the principal place of business of the corporation is located, or if none is published therein, then in a newspaper published in an adjoining county; *provided*, that when the by-laws prescribe the newspaper in which said publication shall be made, if from any cause, at the time any publication is desired to be made, the publication of such newspaper shall have ceased, the board of directors may, by an order entered on the records of the corporation, direct the publication to be made in some other newspaper published in the county, or if none is published therein, then in an adjoining county.

SEC. 68. Section three hundred and four of said code is hereby amended to read as follows:

Section 304. All by-laws adopted must be certified by a majority of the directors and secretary of the corporation, and copied in a legible hand, in some book kept in the office of the corporation, to be known as the "book of by-laws," and the book must then be opened to the inspection of the public during office hours each day except holidays. The by-laws may be repealed or amended, or new by-laws may be adopted, at the annual meeting, or at any other meeting of the stockholders or members, called for that purpose by the directors, by a vote representing two thirds of the subscribed stock, or by two thirds of the members. The written assent of the holders of two thirds of the stock, or two thirds of the members if there is no capital stock, is effectual to repeal or amend any by-law, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote at any such meeting, or similar written assent, be delegated to the board of directors. The power, when delegated, may be revoked by a similar vote, at any regular meeting of the stockholders or members. Whenever any amendment or new by law is adopted, it must be copied in the book of by-laws with the original by-laws, and immediately after them. If any by-law is repealed, the fact of repeal, with the date of the meeting at which the repeal was enacted, or written assent was filed, must be stated in said book. Until copied or stated as hereinbefore required, no by-law, nor any amendment or repeal thereof, can be enforced against any person, other than the corporation, not having actual notice thereof.

SEC. 69. Section three hundred and nine of said code is hereby amended to read as follows:

Section 309. The directors of corporations must not make dividends, except from the surplus profits arising from the business thereof; nor must they create any debts beyond their subscribed capital stock; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock, except as hereinafter provided, nor reduce or increase the capital stock, except as herein specially provided. For a violation of the provisions of this section, the directors under whose administration the same may have happened (except those who may have caused their dissent therefrom to be entered at large on the minutes of the directors at the time, or were not present when the same did happen) are, in their individual or private capacity, jointly and severally liable to the corporation, and to the creditors thereof, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, or debt contracted; and no statute of limitation is a bar to any suit against such directors for any sums for which they are liable by this section; *provided, however*, that where a corporation has been heretofore or may hereafter be formed for the purpose, among other things, of acquiring, holding, and selling real estate, water, and water rights, the directors of such corporation may, with the consent of stockholders representing two thirds of the capital stock thereof, given at a meeting called for that purpose, divide among the stockholders the land, water, or water rights so by such corporation held, in the proportions to which their holdings of such stock at the time of such division entitle them. All conveyances made by the corporation in pursuance of this section must be made and received subject to the debts of such corporation existing at the date of the conveyance thereof. Nothing herein prohibits a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution, or the expiration of its term of existence.

SEC. 70. Section three hundred and ten of said code is hereby amended to read as follows:

Section 310. The board of directors may be removed from office by a vote of two thirds of the members, or of stockholders holding two thirds of the capital stock, at a general meeting held after previous notice of the time and place, and of the intention to propose such removal. Meetings of stockholders for this purpose may be called by the president, or by a majority of the directors, or by members or stockholders holding at least one half of the votes. Such calls must be in writing, and addressed to the secretary, who must thereupon give notice of the time, place, and object of the meeting, and by whose order it is called. If the secretary refuses to give the notice, or if there is none, the call may be addressed directly to the members or stockholders, and be served

as a notice, in which case it must specify the time and place of meeting. The notice must be given in the manner provided in section three hundred and one of this title, unless other express provision has been made therefor in the by-laws. In case the board of directors is so removed, a new board may be elected at the same meeting.

SEC. 71. Section three hundred and eleven of said code is hereby amended to read as follows:

Section 311. Whenever, from any cause, there is no person authorized to call or to preside at a meeting of a corporation, any justice of the peace of the county where such corporation is established may, on written application of three or more of the stockholders or of the members thereof, issue a warrant to one of the stockholders or members, directing him to call a meeting of the corporation, by giving the notice required, and the justice may, in the same warrant, direct such person to preside at such meeting until a clerk is chosen and qualified, if there is no other officer present legally authorized to preside thereat. The application of a number of stockholders less than three, but holding a majority of the capital stock, has the same effect as an application by three or more stockholders or members.

SEC. 72. Section three hundred and twelve of said code is hereby amended to read as follows:

Section 312. At all elections or votes had for any purpose there must be a majority of the subscribed capital stock, or of the members, represented, either in person or by proxy in writing. Every person acting therein, in person or by proxy or representative, must be a member thereof, or a stockholder having stock in his own name on the stock books of the corporation at least ten days prior to the election. Any vote or election had other than in accordance with the provisions of this article is voidable at the instance of absent or any stockholders or members, and may be set aside by petition to the superior court of the county where the same was held. Any regular or called meeting of the stockholders or members may adjourn from day to day, or from time to time, if for any reason there is not present a majority of the subscribed stock or members, or no election had—such adjournment and the reasons therefor being recorded in the journal of proceedings of the board of directors.

SEC. 73. Section three hundred and fourteen of said code is hereby amended to read as follows:

Section 314. If from any cause an election does not take place on the day appointed by law or the by-laws, or otherwise, it may be held on any day thereafter as is provided for in such by-laws, or to which such election may be adjourned or ordered by the directors. If an election has not been held at the appointed time, and no adjourned or other meeting for the purpose has been ordered by the directors, a meeting may be called by the stockholders as provided in section three hundred and ten.

SEC. 74. Section three hundred and fifteen of said code is hereby amended to read as follows:

Section 315. Upon the application of any person or body corporate aggrieved by any election held by any corporate body, the superior court of the county in which such election is held must proceed forthwith to hear the allegations and proofs of the parties, or otherwise inquire into the matters of complaint, and thereupon confirm the election, order a new one, or direct such other relief in the premises as accords with right and justice. Upon filing the petition, and before any further proceedings are had under this section, five days' notice of the hearing must be given, under the direction of the court or the judge thereof, to the adverse party, or those to be affected thereby.

SEC. 75. Section three hundred and twenty-one *a* of said code is hereby amended to read as follows:

Section 321*a*. Every corporation may change its principal place of business from one place to another in the same county, or from one city or county to another city or county within this state. Before such change is made, the consent, in writing, of the holders of two thirds of the capital stock must be obtained and filed in the office of the corporation. When such consent is obtained and filed, notice of the intended removal or change must be published, at least once a week for three successive weeks, in some newspaper published in the county wherein said principal place of business is situated, if there is one published therein; if not, in a newspaper of an adjoining county, giving the name of the county or city where it is situated, and that to which it is intended to remove it. A copy of such consent, certified by the secretary of such corporation, together with a certified copy of the resolution of the board of directors directing such publication, and an affidavit showing the due publication of such notice, must be filed in the office of the county clerk of the county to which such place of business is changed. From the time of filing such papers, the place of business of such corporation is deemed to have been changed to such county.

SEC. 76. Section three hundred and twenty-two of said code is hereby amended to read as follows:

Section 322. Each stockholder of a corporation is individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation. Any creditor of the corporation may institute joint or several actions against any of its stockholders, for the proportion of his claim payable by each, and in such action the court must ascertain the proportion of the claim or debt for which each defendant is liable, and a several judgment must be rendered against each, in conformity therewith. If any stockholder pays his proportion of any debt due from the corporation, incurred while he was such stock-

holder, he is relieved from any further personal liability for such debt, and if an action has been brought against him upon such debt, it must be dismissed, as to him, upon his paying the costs, or such proportion thereof as may be properly chargeable against him. The liability of each stockholder is determined by the amount of stock or shares owned by him at the time the debt or liability was incurred; and such liability is not released by any subsequent transfer of stock. The term stockholder, as used in this section, applies not only to such persons as appear by the books of the corporation to be such, but also to every equitable owner of stock, although the same appears on the books in the name of another; and also to every person who has advanced the installments or purchase money of stock in the name of a minor, so long as the latter remains a minor; and also to every guardian, or other trustee, who voluntarily invests any trust funds in the stock. Trust funds in the hands of a guardian, or trustee, are not liable under the provisions of this section, by reason of any such investment; nor must the person for whose benefit the investment is made be responsible in respect to the stock until he becomes competent and able to control the same; but the responsibility of the guardian or trustee making the investment continues until that period. Stock held as collateral security, or by a trustee, or in any other representative capacity, does not make the holder thereof a stockholder within the meaning of this section, except in the cases above mentioned, so as to charge him with any proportion of the debts or liabilities of the corporation; but the pledgor, or person or estate represented, is to be deemed the stockholder, as respects such liability. In a corporation having no capital stock, each member is individually and personally liable for an equal share of its debts and liabilities, and similar actions may be brought against him, either alone or jointly with other members, to enforce such liability as by this section may be brought against one or more stockholders, and similar judgments may be rendered. The liability of each stockholder of a corporation formed under the laws of any other state or territory of the United States, or of any foreign country, and doing business within this state, is the same as the liability of a stockholder of a corporation created under the constitution and laws of this state.

Sec. 77. Section three hundred and twenty-three of said code is hereby amended to read as follows:

Section 323. All corporations for profit must issue certificates for stock when fully paid up, signed by the president and secretary, and may provide, in their by-laws, for issuing certificates prior to full payment, under such restrictions and for such purposes as their by-laws may provide, but any certificate issued prior to full payment must show on its face what amount has been paid thereon.

Sec. 78. Section three hundred and twenty-five of said code is hereby amended to read as follows:

Section 325. Shares of stock in corporations standing on the books of the corporation in the name of a married woman may be transferred by her, her agent or attorney, without the signature of her husband, and in the same manner as if such married woman were a femme sole. All dividends payable upon any of such shares of stock may be paid to her, her agent or attorney, in the same manner as if she were unmarried; and any proxy or power given by her, touching any of such shares, is valid and binding, and neither it nor any receipt for dividends need be signed by her husband.

Sec. 79. A new section is hereby added to said code to be numbered three hundred and twenty-eight and to read as follows:

Section 328. Whenever a certificate of stock or of shares in a corporation organized under the laws of this state has been lost or destroyed, the owner thereof may bring an action against such corporation in the superior court of the county in which is located its principal place of business, for the purpose of obtaining a new or duplicate certificate. If by the books of the corporation the stock stands in the name of a person other than the plaintiff, or if by such books it appears that some other person claims or has some right, title, or interest in, or lien upon, such stock, all such persons must be made parties defendant with the corporation. Summons must be issued and served as in other civil actions, and in addition thereto, the court must direct its clerk to issue and cause to be published, at least once a week for four successive weeks, in some newspaper published in the county, a notice setting forth the pendency of the action, the names of the parties thereto, the court in which it is pending, the name of the corporation issuing the stock, the number of the certificate and the number of the shares, the name of the person mentioned as stockholder in the certificate, and notifying all persons claiming said shares, or any of them, or any interest or lien therein or thereon, to be and appear before the court at a time and place to be designated in the notice not less than thirty days from the first publication thereof, then and there to show cause why a new certificate should not be directed to be issued to the plaintiff, and to set forth their rights in or claim to such shares. If any one appears and answers or intervenes in the action, it must proceed to trial as in other civil cases, and the court must enter such judgment as from the facts established may be proper; but if no one appears within the time designated in such notice, nor within the time allowed by law after the service of such summons, the court must hear such evidence as may be offered in support of the allegations of the complaint, and make and file its decision thereon, and thereupon may enter its judgment canceling the lost or destroyed certificate and directing the corporation, upon payment to it of all costs incurred by it in the premises and without costs against the corporation, to issue to the plaintiff a new or duplicate certificate. After the issuing of a new certificate by the corporation pursuant to any judgment in such action, no action can ever be maintained by any person against the corporation in reference to said lost

or destroyed certificate or the shares represented thereby, and thereafter any such action is forever barred as against the corporation.

SEC. 80. Section three hundred and sixty of said code is hereby amended to read as follows:

Section 360. No corporation shall acquire or hold any more real property than may be reasonably necessary for the transaction of its business, or the construction of its works, except as otherwise specially provided. A corporation may acquire real property, as provided in title seven, part three, of the Code of Civil Procedure, when needed for any of the uses and purposes mentioned in said title. By a unanimous vote of all the directors at any regular meeting, any corporation existing, or hereafter to be formed under the laws of this state, may acquire and hold the land and building on and in which its business is carried on, and may improve the same to any extent required for the convenient transaction of its business.

SEC. 81. Section three hundred and sixty-one of said code is hereby repealed.

SEC. 82. Section three hundred and sixty-two of said code is hereby amended to read as follows:

Section 362. Any corporation may amend its articles of incorporation by a majority vote of its board of directors or trustees, and by a vote or written assent of the stockholders representing at least two thirds of the subscribed capital stock of such corporation, or the written assent of a majority of the members if there is no capital stock; and a copy of such articles of incorporation as thus amended, duly certified to be correct by the president and secretary of the board of directors or trustees of such corporation, must be filed in the office where the original articles were filed, and a copy thereof, certified by the county clerk, must be filed by the secretary of state; and from the time of so filing such copy of amended articles of incorporation, such corporation has the same powers, and it and the stockholders or members thereof are thereafter subject to the same liabilities as if such amendment had been embraced in the original articles of incorporation; the time of the existence of such corporation must not be by such amendment extended beyond the time fixed in the original articles of incorporation; such original and amended articles of incorporation must together contain all the matters and things required by the law under which the original articles of incorporation were executed and filed. Nothing contained in this section must be construed to cure or amend any defect existing in any original articles of incorporation heretofore filed in that such articles did not set forth the matters required to make the same valid at the time of filing. If the assent of two thirds of said stockholders, or of the majority of members where there is no capital stock, to such amendment has not been obtained, a notice of the intention to make such amendment must first be published in some newspaper published in the county in which the principal place of business of the corporation is located, for fifteen days if in a daily, or five successive issues if in a weekly newspaper, before the filing of the proposed amendment. Nothing contained in this section must be construed to authorize any corporation to diminish its capital stock.

SEC. 83. Section three hundred and sixty-three of said code, approved March fifth, eighteen hundred and ninety-nine, is hereby repealed.

SEC. 84. Section three hundred and eighty-four of said code is hereby repealed.

SEC. 85. Section three hundred and eighty-eight of said code is hereby amended to read as follows:

Section 388. For the satisfaction of any judgment against any person, company, or corporation having any franchise other than the franchise of being a corporation, such franchise, and all the rights and privileges thereof, may be levied upon and sold under execution, in the same manner, and with the same effect, as any other property.

SEC. 86. Section three hundred and ninety-one of said code is hereby amended to read as follows:

Section 391. The person, company, or corporation whose franchise is sold, as in this article provided, in all other respects retains the same powers, is bound to the discharge of the same duties, and is liable to the same penalties and forfeitures, as before such sale.

SEC. 87. Section three hundred and ninety-two of said code is hereby amended to read as follows:

Section 392. Redemption from any such sale may be had as provided in the Code of Civil Procedure.

SEC. 88. Section three hundred and ninety-three of said code is hereby amended to read as follows:

Section 393. The sale of any franchise under execution must be made in the county in which the corporation has its principal place of business, or in which the property, or some portion thereof, is situated.

SEC. 89. Section three hundred and ninety-nine of said code is hereby repealed.

SEC. 90. Section four hundred of said code is hereby amended to read as follows:

Section 400. Unless other persons are appointed by the court, the directors or managers of the affairs of a corporation at the time of its dissolution are trustees of the creditors and stockholders or members of the corporation dissolved, and have full power to settle the affairs of the corporation.

SEC. 91. Section four hundred and one of said code is hereby amended to read as follows:

Section 401. Every corporation formed for a period less than fifty years, may, at any time prior to the expiration of the term of its corporate existence, extend such term to a period not exceeding fifty years from its formation. Such extension may be made at any meeting of the stockholders or members called by the directors expressly for con-

sidering the subject if voted by stockholders representing two thirds of the capital stock; or by two thirds of the members; or may be made upon the written assent of two thirds of the members or of stockholders representing two thirds of the capital stock. A certificate of the proceedings of the meeting upon such vote or upon such assent, must be signed by the chairman and secretary of the meeting and a majority of the directors, and be filed in the office of the county clerk where the original articles of incorporation were filed, and a certified copy thereof in the office of the secretary of state, and thereupon the term of the corporation is extended for the specified period.

SEC. 92. A new section is hereby added to said code to be numbered four hundred and four, to read as follows:

Section 404. The legislature may at any time amend or repeal this part, or any title, chapter, article, or section thereof, and dissolve all corporations created thereunder; but such amendment or repeal does not, nor does the dissolution of any such corporation, take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which has been previously incurred.

SEC. 93. A new section is hereby added to said code to be numbered four hundred and five, to read as follows:

Section 405. Every corporation other than those created by or under the laws of this state must, within forty days from the time it commences to do business therein, file in the office of the secretary of state a designation of some person residing within the state upon whom process issued by authority of or under any law of this state may be served. A copy of such designation, duly certified by the secretary of state, is sufficient evidence of such appointment and of the due incorporation of such corporation. Such process may be served on the person so designated, or, in the event that no such person is designated, then on the secretary of state, and the service is a valid service on such corporation.

SEC. 94. A new section is hereby added to said code to be numbered four hundred and six, to read as follows:

Section 406. Every corporation which complies with the provisions of this chapter is thereafter entitled to the benefit of the laws of this state, limiting the time for the commencement of civil actions, but no corporation not created by or under the laws of this state is entitled to the benefit thereof, nor can any such corporation maintain or defend any action or proceeding in any court of this state until the corporation has complied with the provisions of the preceding section. In any action or proceeding instituted against any body styled as a corporation, but not created by or under the laws of this state, evidence that such body has acted as a corporation, or employed methods usually employed by corporations, must be received by the court for the purpose of proving the existence of such corporation, the sufficiency of such evidence to be determined by the court with like effect as in other cases. Every corporation which has complied with the laws then in force, requiring it to make and file a designation of the person upon whom process against it may be served, need not make or file any further designation. Any designation heretofore or hereafter made may be revoked by the filing by the corporation with the secretary of state of a writing stating such revocation. Within forty days after the death or removal from the state of any person designated by the corporation, or after the revocation of the designation, the corporation must make a new designation, or be subject to the provisions and penalties of this chapter.

SEC. 95. A new section is hereby added to said code to be numbered four hundred and seven, to read as follows:

Section 407. Every railway or other corporation organized for the purpose of carrying freight or passengers under or by virtue of the laws of the United States, or of any state or territory thereof, may build railroads, exercise the right of eminent domain, and transact any other business which it might do if it were created and organized under or by virtue of the laws of this state, and has the same rights, privileges, and immunities, and is subject to the same laws, penalties, obligations, and burdens as if created or organized under and by virtue of the laws of this state.

SEC. 96. Section four hundred and fourteen of said code is hereby amended to read as follows:

Section 414. After the secretary of state issues the certificate of incorporation of any insurance corporation, as provided in article one, chapter one, title one, of this part, the directors named in the articles of incorporation must proceed in the manner specified in their by-laws, or if none, then in such manner as they may by order adopt, to open books of subscription to the capital stock then unsubscribed, and to secure subscriptions to the full amount of the fixed capital; to levy assessments and installments thereon, and to collect the same as in chapter two of title one provided.

SEC. 97. Section four hundred and fifteen of said code is hereby amended to read as follows:

Section 415. No insurance corporation must purchase, hold, or convey real estate, except as hereinafter set forth, to wit:

1. Such as is requisite for its accommodation in the convenient transaction of its business;
2. Such as is conveyed to it, or to any person for it, by way of mortgage or in trust, or otherwise, to secure or provide for the payment of loans previously contracted, or for moneys due;
3. Such as is purchased at sales upon deeds of trust or judgments obtained or made for such loans or debts;

4. Such as is conveyed to it in satisfaction of debts previously contracted in the course of its business dealings.

All such real estate so acquired, which is not requisite for the accommodation of such corporation in the transaction of its business, must be sold and disposed of within five years after such corporation acquires title to the same.

SEC. 98. Section four hundred and seventeen of said code is hereby amended to read as follows:

Section 417. The directors of every insurance corporation, at such times as its by-laws provide, must make, declare, and pay to the stockholders dividends of so much of the net profits of the corporate business and interest on capital invested as to them appears advisable; but the moneys received and notes taken for premium on risks which are undetermined and outstanding at the time of making the dividend must not be treated as profits, nor divided, except as provided in chapter two of this title.

SEC. 99. Section four hundred and eighteen of said code is hereby amended to read as follows:

Section 418. If any insurance corporation is under liabilities for losses to an amount equal to its capital stock, and the president or directors, after knowing the same, make any new or further insurance, all who make such insurance, or assent thereto, are severally and jointly liable for the amount of any loss which takes place under such insurance.

SEC. 100. Section four hundred and nineteen of said code is hereby amended to read as follows:

Section 419. Every company, corporation, or association hereafter formed or organized under the laws of this state for the transaction of business in fire, marine, inland navigation, or life insurance, must have a subscribed capital stock equal to at least two hundred thousand dollars, twenty-five per cent of which must be paid in previous to the issuance of any policy, and the residue within twelve months from the day of filing the certificate of incorporation. No person, nor any company, corporation, or association organized or formed under the laws of any other state or country, must transact any such insurance business in this state, unless such person, company, corporation, or association possesses available cash assets within the United States equal to at least two hundred thousand dollars over and above all liabilities for losses reported, expenses, taxes, and reinsurance of all outstanding risks, as provided in section six hundred and two of the Political Code.

SEC. 101. A new section is hereby added to said code to be numbered four hundred and twenty-one and to read as follows:

Section 421. Corporations organized under the laws of this state, for the transaction of business in any kind of insurance, may invest their capital and accumulations in the following named securities:

1. In the purchase of or loans upon interest-bearing bonds of the United States government;

2. In the purchase of or loans upon interest-bearing bonds of any of the states of the United States, not in default for interest on such bonds;

3. In the purchase of or loans upon interest-bearing bonds of any of the counties or incorporated cities or towns of any state or territory of the United States, not in default for interest on such bonds;

4. In loans upon unincumbered real property, worth at least one hundred per cent more than the amount loaned; or upon merchandise or cereals in warehouse, but in no instance must such loan be made in excess of seventy-five per cent of the security taken;

5. In the purchase of, or loans upon, the stock of corporations, other than mining, which have at the time of the investment a market value of not less than sixty per cent of their par value, and are rated as first-class securities; but every such purchase and loan must be approved by the vote of two thirds of the directors; and no loan must exceed fifty per cent of such market value;

6. Such corporations may, after the investment of two hundred thousand dollars in the manner provided in subdivisions one, two, three, four, and five of this section, invest the balance of their capital and any accumulations in the purchase of, or loans upon, interest-bearing first mortgage bonds of any corporations, other than mining, organized and carrying on business under the laws of the United States, or of any state or territory thereof or of the District of Columbia, not in default for interest on such bonds; *provided*, that a two-thirds vote of all the directors of such corporations approves such investment. It is the duty of the officers of such corporations to report quarterly on the first days of January, April, July, and October of each year, to the insurance commissioner, a list of such investments so made by them; and the insurance commissioner may, if such investments, or any of them, seem injudicious, require the sale of the same. No investment in the securities named in subdivisions one, two, three, five, and six of this section, must be made in an amount exceeding the market value of such securities at the date of such investment;

7. Corporations engaged in the business of insuring titles to real estate may, after the investment of one hundred thousand dollars in the manner provided in subdivisions one, two, three, four, five, and six of this section, invest an amount not exceeding fifty per cent of their capital stock in the preparation or purchase of the materials or plant necessary to enable them to engage in such business; and such materials, or plant, must be deemed an asset, valued at the actual cost thereof, in all statements and proceedings required by law for the ascertainment and determination of the condition of such corporations.

SEC. 102. A new section is hereby added to said code to be numbered four hundred and twenty-two, and to read as follows:

Section 422. Corporations transacting business in insuring titles to real estate must annually set apart a sum equal to twenty-five per cent of their premiums collected during the year, which sum must be allowed to accumulate until a fund has been created amounting to ten per cent of the subscribed capital stock. Such fund must be maintained as a further security to policy-holders, and be known as the surplus fund, and if at any time such fund is impaired by reason of a loss, the amount by which it may be impaired must be restored in the manner hereinabove provided for its accumulation. The reporting of a loss must be deemed an impairment of such fund for the purposes of this section. Such corporation must not make any dividends except from profits remaining on hand after retaining unimpaired:

1. The entire subscribed capital stock;
2. The amount owing to the surplus fund, under the provisions of this section;
3. A sum sufficient to pay all losses reported, or in course of settlement, which must be in excess of the surplus fund, and all liabilities for expenses and taxes.

SEC. 103. Section four hundred and twenty-seven of said code is hereby repealed.

SEC. 104. Section four hundred and twenty-eight of said code is hereby amended to read as follows:

Section 428. Fire and marine insurance corporations must never take, on any one risk, whether it is a marine insurance or an insurance against fire, a sum exceeding one tenth part of their capital actually paid in, and intact at the time of taking such risk, without at once reinsuring the excess above one tenth.

SEC. 105. Section four hundred and thirty-one of said code is hereby repealed.

SEC. 106. Section four hundred and thirty-two of said code is hereby repealed.

SEC. 107. Section four hundred and thirty-seven of said code is hereby amended to read as follows:

Section 437. Every corporation formed for the purpose of mutual insurance on the lives or health of persons, or against accidents to persons for life or any fixed period of time, or to purchase and sell annuities, must have a capital stock of not less than one hundred thousand dollars. It must not make any insurance upon any risk or transact any other business as a corporation until its capital stock is fully paid up in cash, nor until it has also obtained a fund, to be known as a "guarantee fund," of not less than two hundred and fifty thousand dollars, as is hereinafter provided; or, if it has no capital, until it has an ascertained surplus above all liabilities of at least three hundred and fifty thousand dollars. If more than the requisite amount is subscribed, the stock must be distributed pro rata among the subscribers. Any subscription may be rejected by the board of directors or the committee thereof, either as to the whole or any part thereof, and must be, so far as rejected, without effect.

SEC. 108. Section four hundred and forty-four of said code is hereby repealed.

SEC. 109. Section four hundred and forty-seven of said code is hereby amended to read as follows:

Section 447. Every life insurance corporation organized under the laws of this state must, on or before the first day of February of each year, furnish the insurance commissioner the necessary data for determining the valuation of all its policies outstanding on the thirty-first day of December then next preceding. And every life insurance company organized under the laws of any other state or country, and doing business in this state, must, upon the written requisition of the commissioner, whenever the latter is authorized to make a valuation of policies, as provided in section four hundred and forty-nine, furnish him, at such time as he may designate, but not oftener than once in each year, the requisite data for determining the valuation of all its policies then outstanding. Such valuation must be based upon the rate of mortality established by the American experience life-table, and interest at four and one half per cent per annum; *provided*, that from and after the thirty-first day of December, A. D. one thousand eight hundred and ninety-one, such valuations must be based on the rate of mortality established by the combined experience of actuaries' table of mortality, with interest at the rate of three and one half per cent per annum. When the laws of any other state or territory require of a life insurance company organized under the laws of this state a valuation of its outstanding policies by any standard of valuation different from that named in this section, the insurance commissioner is hereby authorized to make such valuation for use in such other state or territory, and to issue his certificate in accordance therewith. For the purpose of making the valuations, the insurance commissioner is authorized to employ a competent actuary, whose compensation for such valuations shall be one cent for each thousand dollars of insurance, to be paid by the respective companies whose policies are thus valued.

SEC. 110. Section four hundred and forty-eight of said code is hereby repealed.

SEC. 111. Section four hundred and forty-nine of said code is hereby amended to read as follows:

Section 449. When the certificate of the insurance commissioner of this state, of the valuation of the policies of a life insurance company, as provided in section four hundred and forty-seven, issued to any company organized under the laws of this state, shall not be accepted by the insurance authorities of any other state, in lieu of a valuation of the same, by the insurance officer of such other state, then every company organized under the laws of such other state doing business in this state shall be required to have a separate valuation of its policies made under the authority of the insurance commissioner of this state, such valuation to be made and the costs thereof to be the same as provided in section four hundred and forty-seven.

SEC. 112. That section four hundred and fifty of said code is hereby amended to read as follows:

Section 450. Every contract or policy of insurance, except for tontine, term, or paid-up insurance, hereafter made by any person, company, or corporation organized under the laws of this state, or under those of any other state or country, with and upon the life of a resident of this state, and delivered within this state, must contain, unless the policy contains a stipulation for term or paid-up insurance different from that hereinafter specified, a stipulation that when, after three full annual premiums have been paid on such policy, it ceases or becomes void solely by the nonpayment of any premium when due, its entire net reserve, by the American experience table of mortality, and interest at four and one half per cent yearly, less any indebtedness to the company on such policy, must be applied by such company as a single premium, at such company's published rates in force at the date of the original policy, but at the age of the insured at time of lapse, either to the purchase of non-participating term insurance for the full amount insured by such policy, or upon the written application by the owner of such policy and the surrender thereof to such company within three months from such non-payment of premium, to the purchase of a non-participating paid-up policy, payable at the time the original policy would be payable if continued in force, both kinds of insurance to be subject to the same conditions, except as to payment of premiums, as those of the original policy. It may be provided, however, in such stipulation, that no part of such term insurance shall be due or payable, unless satisfactory proofs of death are furnished to the insuring company within one year after death, and that if death occurs within three years after such nonpayment of premium, and during such term of insurance, there shall be deducted from the amount payable the sum of all the premiums that would have become due on the original policy if it had continued in force. If the reserve on endowment policies is more than enough to purchase temporary insurance, as aforesaid, to the end of the endowment term, the excess must be applied to the purchase of pure endowment insurance, payable at the end of the term, if the insured is then living. If any life insurance corporation or company delivers to any person in this state a policy of insurance upon the life of any person residing in this state, not in conformity with the provisions of this section, the right of such corporation or company to transact business in this state thereupon and thereby ceases and terminates, and the insurance commissioner must immediately revoke the certificate of such corporation or company authorizing it to do business in this state, and publish such revocation daily, for the period of two weeks, in two daily newspapers, one published in the city and county of San Francisco and the other in the city of Sacramento.

SEC. 113. A new section is hereby added to said code to be numbered four hundred and fifty-two, and to read as follows:

Section 452. No corporation formed under the laws of this state, and transacting life insurance business, must make any dividends, except from profits remaining on hand after retaining unimpaired:

1. The entire capital stock;
2. A sum sufficient to pay all losses reported or in course of settlement, and all liabilities for expenses and taxes;
3. A sum sufficient to reinsure all outstanding policies, as ascertained and determined upon the basis of the American experience table of mortality, and interest at the rate of four and one half per cent per annum.

SEC. 114. A new section is hereby added to said code to be numbered four hundred and fifty-two a, to read as follows:

Section 452a. Associations of not exceeding one thousand persons may be formed for the purpose of paying to the nominee of any member a sum, upon the death of the member, not exceeding three dollars for each member of the association. Such association may be formed by filing a certificate in the office of the clerk of the county in which the principal place of business is situated and a like certificate in the office of the secretary of state, each of which must state the general object of the association, its principal place of business, and the names of the officers selected to hold office for the first three months, and must be signed by such officers and verified by at least three of their number.

SEC. 115. A new section is hereby added to said code to be numbered four hundred and fifty-three, to read as follows:

Section 453. Each association provided for in this chapter may, on the death of a member, levy an assessment on the surviving members of not exceeding three dollars for each member, and pay the same to the nominee of such decedent, and may also provide for the payment of such annual payments by members as may be deemed just, but no member must be subject to any annual assessment in excess of that established when he joined the association. The association may make such by-laws not inconsistent with the laws of the state as may be necessary for its government and the transaction of its business; may, by its name, sue and be sued; loan such funds as it may have on hand; and own sufficient real estate for its business purposes and such as it may be necessary to purchase on foreclosure of its mortgages.

SEC. 116. A new section is hereby added to said code to be numbered four hundred and fifty-three a, to read as follows:

Section 453a. Any corporation of underwriters heretofore organized and now existing, or which may be hereafter organized under the laws of this state, for the purpose of discovering and preventing fires and of saving property and human life from conflagration, and doing business within any municipal corporation of this state, has power,

at its own proper cost and expense, to maintain a corps of men, with proper officers, equipped with the necessary machinery and apparatus therefor, whose duty it is so far as practicable, to discover and prevent fires and save property and human life from conflagration; and for the effective discharge of such duties, authority is hereby granted such corps to enter any building on fire, or in which property is on fire, or which such corps or any officer thereof deems to be immediately exposed to any existing fire, or in danger of taking fire from a burning building, and to remove or otherwise save and protect from conflagration or damage by water any property, during and immediately after such fire. Nothing in this chapter must be so construed as in any degree to lessen, impair, or interfere with the powers, privileges, duties, or authority of the regular fire department of such municipality; nor can any act of such corps justify any owner of any building or property in abandoning such building or property.

SEC. 117. A new section is hereby added to said code to be numbered four hundred and fifty-three b, to read as follows:

Section 453b. Such corporation, with its officers and corps, when running to a fire with its horses, vehicles, and salvage apparatus, has the same right of way as is or may be bestowed by any ordinance of the municipality or law of this state upon the regular fire department of the municipality wherein such corporation is acting; but the rights of such fire department must always be paramount to the rights of such corporation. All ordinances now existing or which may hereafter be passed by the municipal authorities of any city and county, or of any incorporated city or town wherein such a corporation may carry on business, and all laws of this state applicable to such city and county, or city or town, for the conviction or punishment of any person or persons wilfully or carelessly obstructing the progress of the apparatus of the fire department of such city and county, or city or town, while going to a fire, or of any person or persons wilfully or carelessly injuring any animal or property of said fire department, are equally applicable to any person or persons wilfully or carelessly obstructing the progress of the apparatus of such corporation while going to a fire, and to any person or persons who wilfully or carelessly injures any animal or property of such corporation; and said laws and ordinances, and their penalties, may be enforced in the same courts and in the same manner, and with equal force and effect, as in the case of the fire department.

SEC. 118. A new section is hereby added to said code to be numbered four hundred and fifty-three c, to read as follows:

Section 453c. In the month of July, in every year, there must be held a meeting of all corporations created for the purposes specified in this chapter; of which ten days' previous notice must be inserted in at least one daily newspaper published in the municipality where said corporation is organized or established, at which meeting each insurance company, corporation, association, underwriter, agent, person, or persons doing a fire insurance business in said municipality, whether members of said corporation or not, shall have a right to be represented, and shall be entitled to one vote. A majority of the whole number so represented has power to decide upon the question of sustaining the fire patrol organized by corporations heretofore created, or that may be hereafter created, and fixing the maximum amount of expenses which may be incurred therefor during the fiscal year next to ensue, which amount must in no case exceed two per centum of the aggregate premiums returned as received, as provided in this section, and the whole of such amount, or so much thereof as may be necessary, may be assessed upon all insurance companies, corporations, associations, underwriters, agents, person, or persons who assume risks and accept premiums for fire insurance in said municipality, as hereinbefore mentioned, in proportion to the several amounts of premiums returned, as received by each, as hereinafter provided, and such assessment is collective, by and in the name of said corporation, in any court of law in the State of California having jurisdiction, in such manner and at such time or times as said corporation may determine. In order to provide for the payment of persons employed by said corporation, and to maintain suitable rooms, and apparatus for saving life and property contemplated, said corporation is empowered to require a statement to be furnished, semi-annually, by all insurance companies, corporations, associations, underwriters, agents, or persons, of the aggregate amount of premiums received for insuring property in the municipality where said corporation is organized or established, for and during the six months next preceding the first day of July and the first day of January of each year, which statement must be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting or effecting such insurance in said municipality, and must be handed to the secretary of said corporation heretofore created or hereafter to be created under the provisions of this chapter within ten days after the first day of July and the first day of January of each year. Said secretary must, within the ten days aforesaid, by written or printed demand signed by him, require from every insurance company, corporation, association, underwriter, agent, or person engaged in the business of fire insurance in the municipality where said corporation is organized or established, the statement hereinbefore provided for. Such demand may be delivered personally at the office of such insurance company, corporation, association, underwriter, agent, or person within said municipality, and every officer of such insurance company, corporation, association, and every such underwriter, agent, or person, who, for fifteen days after said demand, neglects to render the statement herein provided for, forfeits fifty dollars for the use of said corporation, and also forfeits for its use twenty-five dollars in addition for every day he so neglects after the expiration of the said fifteen days, and such additional penalty may be computed and collected up to the time of the trial of any action brought for the recovery thereof. The penalty herein pro-

vided for may be sued for and collected, with costs, in any court of law within the State of California having jurisdiction, by and in the name of said corporation.

SEC. 119. A new section is hereby added to said code to be numbered four hundred and fifty-three *d*, to read as follows:

Section 453*d*. Every contract whereby a benefit may accrue to a party or parties therein named upon the death or physical disability of a person insured thereunder, or for the payment of any sums of money dependent in any degree upon the collection of assessments or dues from persons holding similar contracts, is deemed a contract of mutual insurance upon the assessment plan. Such contracts must show that the liabilities of the insured thereunder are not limited to fixed premiums.

SEC. 120. A new section is hereby added to said code to be numbered four hundred and fifty-three *e*, to read as follows:

Section 453*e*. Corporations may be formed to carry on the business of mutual insurance upon the assessment plan, and are subject only to the provisions of this chapter. No such corporation must issue contracts of insurance until at least two hundred persons have applied, in writing, for membership or insurance therein, and have paid to the treasurer of such corporation the sum of five thousand dollars. This sum must be invested in bonds or securities, approved by the insurance commissioner of this state, or deposited in some bank in this state where it will earn interest. Said bonds or securities, or evidences of such deposit, must be placed, through the insurance commissioner of this state, with the state treasurer, and the principal sum must be held in trust for the contract holders of such corporation, with the right in the corporation to exchange said bonds, securities, or evidence of bank deposit for others of like value. Such corporation must also, as a condition precedent to issuing any contracts of insurance, obtain the written certificate of the insurance commissioner that it has complied with the requirements of this chapter; and that the name of the corporation is not the same as that of any other corporation of this or other states, as indicated by the insurance department reports in his office; nor must the commissioner approve any name or title so closely resembling another as to mislead the public. No corporation formed hereunder has legal existence after one year from the date of its articles, unless its organization has been completed and business commenced; nor must any corporation or individual solicit, or cause to be solicited, any business, until such corporation has complied with the provisions of section six hundred and thirty-three of the Political Code.

SEC. 121. A new section is hereby added to said code to be numbered four hundred and fifty-three *f*, to read as follows:

Section 453*f*. Any existing corporation engaged in the business of life, health, accident, or endowment insurance on the assessment plan may reincorporate under the provisions of this code and chapter, but is not obliged to do so, and may, without such reincorporation, exercise the rights, powers, and privileges conferred by this chapter.

SEC. 122. A new section is hereby added to said code to be numbered four hundred and fifty-three *g*, to read as follows:

Section 453*g*. Every contract of insurance issued by such corporations must specify the sum or sums to be paid upon the happening of the contingency insured against, and when such payments must be made. Unless the contract is invalidated by fraud or by breach of its conditions, the corporation is obligated to pay the beneficiary the amount or amounts specified in its contract at the time or times therein named, and such indebtedness is a lien upon all the property of such corporation, with priority over all indebtedness thereafter incurred, except as hereinafter provided in case of insolvency. Failure to make such payment, within thirty days after notice, at the home office, by mail, as provided by law, of a final judgment, unless waiver is made by the beneficiary, constitutes a forfeiture of the right to do business.

SEC. 123. A new section is hereby added to said code to be numbered four hundred and fifty-three *h*, to read as follows:

Section 453*h*. Every domestic corporation, organized to do or doing the business of insurance on the assessment plan, must accumulate a reserve or emergency fund, which must, at all times, be not less than the largest benefit contracted to be paid by it to any one person. Every corporation organized under the provisions of this chapter must accumulate such fund within a year from the date of its certificate of incorporation. Such fund, to the extent of the largest amount contracted to be paid by any such corporation to any one person, must be invested and deposited, as provided in section four hundred and fifty-three *e*, with the right in the corporation to exchange any such securities for others of equal value. The deposit required by section four hundred and fifty-three *e* constitutes a part of the reserve required by this section, at the option of such corporation. When any such corporation discontinues business, this fund must be returned to such corporation, or disposed of as may be determined by the superior court of the county in which is its principal place of business.

SEC. 124. A new section is hereby added to said code to be numbered four hundred and fifty-three *i*, to read as follows:

Section 453*i*. Corporations organized under the laws of any other state or country to transact the business of mutual assessment insurance must, as a condition precedent to transacting business in this state, comply with the provisions of section four hundred and five, and deposit with the insurance commissioner of this state a certified copy of its charter or other instrument required by its home authorities; a statement under oath, of its president or secretary, of its business for the preceding year, in such form as may be required by the insurance commissioner of this state; an appointment of a general agent, service upon whom binds the corporation; a certificate that for the next

preceding twelve months it has paid in full the maximum amount named in its contract of insurance; a certificate from the proper officer of its state or government that like corporations of this state are legally entitled to do business in such state or country; copies of its contracts of insurance and applications, which must show that the liabilities of its members are not limited to fixed premiums; and evidence, satisfactory to the insurance commissioner, that the corporation has accumulated a fund equal to that required of like corporations in this state, constituting a reserve or surplus fund, held in trust for the benefit of its contract-holders, and so invested and held as required by the laws of the state or government under which such corporation was organized. The insurance commissioner must thereupon issue a license to such corporation to do business in this state. This license must be renewed annually, and may be revoked whenever it is ascertained that the statements required to be made by this section are not true. Upon such revocation, notice thereof must be given by the insurance commissioner by publication in some newspaper published in the city and county of San Francisco, for two weeks, daily, and no new contracts must be made by such company in this state. When any other state or country imposes any additional license, fees, taxes, or penalties upon any corporation organized or doing business under this chapter, like license, fees, taxes, or penalties are imposed upon corporations of the same kind and their agents of such state or country doing business in this state.

SEC. 125. A new section is hereby added to said code to be numbered four hundred and fifty-three *j*, to read as follows:

Section 453*j*. No corporation doing business under this chapter, except accident or casualty corporations, must issue a contract of insurance upon the life of any person under fifteen nor over sixty-one years of age. Every such contract of insurance must be founded upon written application therefor, and, except where the application is for health, accident, or casualty insurance only, or for one hundred dollars life insurance or less, such application must be accompanied by the report of a reputable physician, containing a detailed statement of his examination of the applicant, showing the applicant to be in good health, and recommending the issuance of a contract of insurance. Any solicitor, agent, employé, examining physician, or other person making a false or fraudulent statement to any corporation doing business under this chapter, with reference to any application for insurance, or for the purpose of obtaining any money or benefit from such corporation, is guilty of a misdemeanor; and any person who makes a false statement of any material fact or thing in a sworn statement as to the death or disability of a contract-holder, in any such corporation, for the purpose of procuring or aiding the beneficiary or beneficiaries or contract-holder in procuring the payment of a benefit named in the contract, is guilty of perjury.

SEC. 126. A new section is hereby added to said code to be numbered four hundred and fifty-three *k*, to read as follows:

Section 453*k*. The money, benefit, annuity, endowment, charity, relief, or aid to be paid as provided by the contracts issued by any corporation doing business under this chapter, is not liable to attachment or other process, nor to be seized, taken, appropriated, or applied by any legal or equitable process, nor by operation of law, to pay any debts or liability of the contract-holder or any beneficiary named thereunder.

SEC. 127. A new section is hereby added to said code to be numbered four hundred and fifty-three *l*, to read as follows:

Section 453*l*. Every corporation, whether domestic or foreign, doing the business of effecting insurance on the assessment plan, must, annually, on or before the first day of February, file with the insurance commissioner, in such form as he may prescribe, a statement of its affairs for the year ending on the preceding thirty-first day of December. The insurance commissioner, in person or by duly authorized deputy, has the power of examination into the affairs of any domestic corporation doing business or claiming to do business under this chapter, at any time, in his discretion, and must make such examination at least once a year. If he, after an examination of the affairs of a corporation, finds that it is not doing its business in conformity to this chapter, or that it is doing a fraudulent or unlawful business, or that it is not carrying out its terms of contract, or that it cannot, within three months from the date of notice of default, pay its obligations, he must cite the president, secretary, manager, or general agent of the corporation, or all of them, to appear before him, stating the time and place, to show cause why the authority of the corporation to do business should not be revoked, and if cause is not shown, then he must report the facts to the attorney-general of the state, who must commence proceedings in the proper court to restrain the corporation from doing any further business.

SEC. 128. A new section is hereby added to said code to be numbered four hundred and fifty-three *m*, to read as follows:

Section 453*m*. No policy or certificate issued by any corporation or association doing business under the provisions of this chapter lapses for the nonpayment of any assessments, dues, or premiums, unless the corporation or association has first mailed to the insured under such policy or certificate, at his or her last given postoffice address, a notice setting forth the amount to be paid, and the time the same is due and payable; and such notice must be mailed at least fifteen days before the assessment is due; *provided*, that such corporations doing business under this chapter as collect specific amounts at specific dates, as contained in the contract, are not compelled to send such notices; and an affidavit made by the officer, bookkeeper or clerk of any such corporation having charge of the mailing of notices, setting forth the facts as they appear on the records in the office of the said corporation, showing that such notice was mailed and the date of mailing, is conclusive evidence of the mailing of such notice.

SEC. 129. A new section is hereby added to said code to be numbered four hundred and fifty-three *n*, to read as follows:

Section 453*n*. The fees for filing statements, certificates, or other documents required by this chapter, or for any service or act of the insurance commissioner, and the penalties for any violation of this chapter, must, except as otherwise provided herein, be the same as provided in the laws of this state relating to life insurance companies, and must be disposed of as provided by such laws.

SEC. 130. A new section is hereby added to said code to be numbered four hundred and fifty-three *o*, to read as follows:

Section 453*o*. For all lawful expenses under this chapter, or by reason of any of its provisions, in the prosecution of any suit or proceeding, or otherwise, for the enforcement of the provisions of this chapter, the insurance commissioner must present bills, duly certified by him, and accompanied with vouchers, to the state board of examiners, who may allow the same, and direct payment thereof to be made; and the state controller must draw warrants therefor on the state treasurer for the payment of the same to the insurance commissioner, out of the general fund, in addition to the ordinary contingent expense.

SEC. 131. A new section is hereby added to said code to be numbered four hundred and fifty-three *p*, to read as follows:

Section 453*p*. The provisions of this chapter do not apply to secret or fraternal societies, lodges, or councils, which conduct their business and secure membership on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges, or councils, nor to any mutual or benefit association organized or formed and composed of members of any such society, lodge, or council exclusively.

SEC. 132. A new section is hereby added to said code to be numbered four hundred and sixty, and to read as follows:

Section 460. The legislative or other body to whom is intrusted the government of the county, city, or town, under such regulations, restrictions, and limitations, and upon such terms and payment of license tax as the county, city, or town authority may provide, may grant to any railway corporation heretofore or hereafter incorporated, franchises for the construction of elevated or underground railroad tracks over, across, or under the streets and public highways of any such county, city, or town, for a term not exceeding fifty years; *provided*, that before granting such franchise there must be presented to such legislative or other body a petition signed by the owners of a majority of the landed property, other than public property, on the line of said elevated portion applied for.

SEC. 133. Section four hundred and sixty-five of said code is hereby amended to read as follows:

Section 465. Every railroad corporation has power:

1. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purposes its officers, agents, and employes may enter upon the lands or waters of any person, subject to liability for all damages which they do thereto;

2. To receive, hold, take, and convey, by deed or otherwise, as a natural person, such voluntary grants and donations of real estate and other property which may be made to it to aid and encourage the construction, maintenance, and accommodation of such railroad;

3. To purchase, or by voluntary grants or donations to receive, enter, take possession of, hold, and use all such real estate and other property as may be absolutely necessary for the construction and maintenance of such railroad, and for all stations, depots, and other purposes necessary to successfully work and conduct the business of the road;

4. To lay out its road, not exceeding nine rods wide, and to construct and maintain the same with a single or double track, and with such appendages and adjuncts as may be necessary for the convenient use of the same;

5. To construct its road across, along, or upon any stream of water, watercourse, roadstead, bay, navigable stream, street, avenue, or highway, or across any railway, canal, ditch, or flume which the route of its road intersects, crosses, or runs along, in such manner as to afford security for life and property; but the corporation must restore the stream or watercourse, road, street, avenue, highway, canal, ditch or flume thus intersected to its former state of usefulness, as near as may be, or so that the railroad shall not unnecessarily impair its usefulness or injure its franchise;

6. To cross, intersect, join, or unite its railroad with any other railroad, either before or after construction, at any point upon its route, and upon the grounds of such other railroad corporation, with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections; and every corporation whose railroad is, or shall be hereafter, intersected by any new railroad, must unite with the owners of such new railroad in forming such intersections and connections, and grant facilities therefor; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or the manner of such crossings, intersections, and connections, the same must be ascertained and determined as is provided in title seven, part three, of the Code of Civil Procedure;

7. To purchase lands, timber, stone, gravel, or other materials, to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts, or acquire them in the manner provided in title seven, part three, of the Code of Civil Procedure, for the condemnation of lands; and to change the line of its road, in whole or in part, whenever a majority of the directors so determine, as is provided herein-

after; but no such change must vary the general route of such road, as contemplated in its articles of incorporation;

8. To carry persons and property on its railroad, and receive tolls or compensation therefor;

9. To erect and maintain all necessary and convenient buildings, stations, depots, fixtures, and machinery for the accommodation and use of its passengers, freight, and business;

10. To regulate the time and manner in which passengers and property must be transported, and the tolls and compensation to be paid therefor, within the limits prescribed by law and subject to alteration, change, or amendment by the legislature at any time;

11. To regulate the force and speed of its locomotives, cars, trains, or other machinery used and employed on its road, and to establish, execute, and enforce all needful and proper rules and regulations for the management of its business transactions usual and proper for railroad corporations.

SEC. 134. A new section is hereby added to said code to be numbered four hundred and sixty-five *a*, and to read as follows:

Section 465*a*. Every person or corporation now, or hereafter authorized to operate a railroad by steam motive power, is also authorized to use electricity or compressed air, or both, either with or without such steam, for the purpose of propelling cars or trains on such railroad or upon any portion thereof. In incorporated cities, towns, or cities and counties having more than five thousand inhabitants, authority must first be obtained from the legislative authority thereof.

SEC. 135. Section four hundred and sixty-eight of said code is hereby amended to read as follows:

Section 468. Every railroad corporation must, within two years after filing its original articles of incorporation, begin the construction of its road, and must every year thereafter complete and put in full operation at least five miles of its road, until the same is fully completed; and upon its failure so to do, for the period of one year, its right to extend its road beyond the point then completed is forfeited. After the completion of any railroad, or any part thereof, capable of being operated, its owner must operate it, and upon his failure to keep it, or any part thereof, in full operation for the period of six months, his right to operate it in whole or in part, as the case may be, is forfeited, and the lands occupied for the purposes of the road, so far as the same is not operated, revert to the original owners or their successors in interest. A railroad is in full operation when one passenger train, or one mixed train, is run over it once a day in each direction and a sufficient number of freight trains to accommodate the traffic on the road. If a railroad is wholly constructed at an elevation of five thousand feet or more above the level of the sea, its owner is not required to maintain and operate it, nor to run passenger or other trains thereon, between the fifteenth of October of any year and the fifteenth of May of the year following. This section must not be construed to require the operation of a road when prevented by the act of God, nor when the operation of the road, together with its branch and trunk lines, does not yield income sufficient to defray the expenses of maintaining and operating it in connection with its branch and trunk lines. The railroad commissioners have the power to examine and determine whether a railroad, together with its branch and trunk lines, yields income sufficient to operate the same.

SEC. 136. A new section is hereby added to said code, to be numbered four hundred and seventy-three *a*, and to read as follows:

Section 473*a*. Railroad corporations doing business in this state and organized under any law of this state or the United States, or of any state or territory thereof, have power to enter into contracts with one another, whereby the one may lease of the other the whole or any part of its railroad, or may acquire of the other the right to use, in common with it, the whole or any part of its railroad.

SEC. 137. Section four hundred and eighty-one of said code is hereby amended to read as follows:

Section 481. Every such corporation must start and run its cars, for the transportation of persons and property, at such regular times as it shall fix by public notice, and must furnish sufficient accommodations for the transportation of all such passengers and property, as within a reasonable time previous thereto, offer or are offered for transportation, at the place of starting, at the junction of other railroads, and at siding and stopping-places established for receiving and discharging way passengers and freight; and must take, transport and discharge such passengers and property at, from, and to such places, on the due payment of tolls, freight, or fare therefor.

SEC. 138. Section four hundred and eighty-nine of said code is hereby amended to read as follows:

Section 489. Whenever the board of railroad commissioners, in the discharge of its duties, establishes or adopts rates of charges for the transportation of passengers and freight, pursuant to the provisions of the constitution, said board must serve a printed schedule of such rates, and of any changes that may be made in such rates upon the person, co-partnership, company, or corporation affected thereby; and upon such service it is the duty of such person, co-partnership, company, or corporation to immediately cause copies of the same to be posted in all its offices, station-houses, warehouses, and landing offices affected by such rates, or change of rates, in such manner as to be accessible to public inspection during the usual business hours. Said board must also make such further publication thereof as it deems proper and necessary for the public

good. If the party to be served is a corporation, such service may be made upon the president, vice-president, secretary, or managing agent thereof, and if a co-partnership, upon any partner thereof. The rates of charges established or adopted by said board, pursuant to the constitution and the laws of this state, must go into force and effect on the twentieth day after service of such schedule of rates or changes in rates, upon the person, co-partnership, company, or corporation affected thereby.

SEC. 139. Section four hundred and ninety-two of said code is hereby repealed.

SEC. 140. Section four hundred and ninety-three of said code is hereby repealed.

SEC. 141. Section four hundred and ninety-seven of said code is hereby amended to read as follows:

Section 497. Authority to lay railroad tracks through the streets and public highways of any incorporated city, city and county, or town, or from any point in, or at the exterior boundary of such city, city and county, or town, to, in, or through any public park owned by such city, city and county, or town, outside of such city, city and county, or town, may be obtained for a term of years not exceeding fifty, from the trustees, council, or other body to whom is intrusted the government of the city, city and county, or town, under such restrictions and limitations, and upon such terms and payment of license tax, as the city, city and county, or town authority may provide. In no case must permission be granted to propel cars upon such tracks otherwise than by electricity, compressed air, horses, mules, or by wire ropes running under the streets and moved by stationary engines, unless for special reasons in this title hereinafter mentioned. Such board or body in granting the right, or at any time after the same is granted, to use electricity or any other of said modes, has power to impose such terms, restrictions, and limitations as to the use of streets and the construction and mode of operating such electric and other roads as may, by such board or body, be deemed for the public safety or welfare. It is unlawful to grant any franchise mentioned in this section, or to extend the time for the construction or operation of any street railroad, within ninety days next preceding the date of holding a general election, or within seventy days next immediately following, including the day of holding such general election; and any franchise or extension so granted is void.

SEC. 142. Section four hundred and ninety-eight of said code is hereby amended to read as follows:

Section 498. The city or town authorities, in granting the right of way to street railroad corporations, in addition to the restrictions which they are authorized to impose, must require a strict compliance with the following conditions, except in the case of prismoidal or other elevated railways: First, to construct their tracks on those portions of streets designated in the ordinance granting the right, which must be, as nearly as possible, in the middle thereof; second, to plank, pave, or macadamize the entire length of the street used by their track, between the rails, and for two feet on each side thereof, and between the tracks, if there is more than one, and to keep the same constantly in repair, flush with the street, and with good crossings; third, that the tracks must not be more than five feet wide within the rails, and must have a space between them sufficient to allow the cars to pass each other freely. In case of prismoidal and other elevated railways the railway must be required to be constructed in such manner as will present the least obstruction to the freedom of the streets in which it is erected. Every right or franchise for a street railway granted under the provisions of this title is subject to the condition that the person or corporation to whom the same is granted must and will permit mail-carriers in the employ of the United States Government, at all times, while engaged in the actual discharge of duty, to ride on the cars of such railroad free of charge.

SEC. 143. Section five hundred and one of said code is hereby amended to read as follows:

Section 501. The rates of fare on the cars must not exceed ten cents for one fare for any distance under three miles, and in municipal corporations of the first class must not exceed five cents for each passenger per trip of any distance in one direction, either going or coming, along any part of the whole length of the road or its connections. The cars must be of the most approved construction for the comfort and convenience of passengers, and provided with brakes to stop the same, when required. A violation of the provisions of this section subjects the corporation to a fine of one hundred dollars for each offense.

SEC. 144. Section five hundred and four of said code is hereby amended to read as follows:

Section 504. Every violation of the provisions of section five hundred and one, subjects the owner or owners of the street railroad violating the same to a forfeiture, to the person unlawfully charged or paying more than is herein allowed to be charged, of the sum of two hundred and fifty dollars for each and every instance in which such unlawful charge is made or collected, to be recovered by suit in any court of competent jurisdiction. Such cause of action is assignable to one having a like cause of action in his own right against the same defendant, and an action may be maintained by the assignee in his own name, and several such causes of action can be vested in such assignee and united in the same action.

SEC. 145. Section five hundred and seven of said code is hereby amended to read as follows:

Section 507. In every grant to construct street railroads, the right to grade, sewer, pave, macadamize, or otherwise improve, alter, or repair the streets or highways, is reserved to the municipality, and cannot be alienated or impaired; such work to be done

so as to obstruct the railroad as little as possible; and, if required, the owner of such railroad must shift its rails so as to avoid the obstructions made thereby.

SEC. 146. Section five hundred and thirteen of said code is hereby amended to read as follows:

Section 513. When the route is surveyed a map thereof must be submitted to and filed with the board of supervisors of each county through or into which the road runs, giving its general course, and the principal points to or by which it runs, and its width, which must in no case exceed one hundred feet, and the supervisors must either approve or reject the survey. If approved, it must be entered of record on the journal of the board, and such approval authorizes the use of all public lands and highways over which the survey runs; but the board of supervisors must require the corporation, at its own expense, and the corporation must so change and open the highways so taken and used as to make the same as good as before the appropriation thereof; and must so construct all crossings of public highways over and by its road and toll gates, as not to hinder or obstruct the use of the same.

SEC. 147. Section five hundred and fourteen of said section is hereby amended to read as follows:

Section 514. All wagon road corporations may bridge or keep ferries on streams on the line of their road, and must do all things necessary to keep the same in repair. They may take such tolls only on their roads, ferries or bridges, as are fixed by the board of supervisors of the proper county through which the road passes, or in which the ferry or bridge is situate. But in no case must the tolls be more than sufficient to pay fifteen per cent, nor less than ten per cent per annum, on the cost of construction, after paying for repairs and other expenses for attending to the roads, bridges, or ferries. If tolls, other than as herein provided, are charged or demanded, the corporation forfeits its franchise, and must pay to the party so charged one hundred dollars as liquidated damages.

SEC. 148. Section five hundred and seventeen of said code is hereby amended to read as follows:

Section 517. Each toll-gatherer may prevent from passing through his gate any person, animal, or vehicle, subject to toll, until the toll authorized to be collected for such passing has been paid.

SEC. 149. Section five hundred and eighteen of said code is hereby amended to read as follows:

Section 518. Every toll-gatherer who, at any gate, unreasonably hinders or delays any traveler or passenger or any vehicle or animal liable to the payment of toll, or demands or receives from any person more than he is authorized to collect, for each offense forfeits the sum of twenty-five dollars to the person aggrieved.

SEC. 150. Section five hundred and twenty-two of said code is hereby amended to read as follows:

Section 522. The corporation may mortgage or hypothecate its road and other property for funds with which to construct or repair its road, but no mortgage or hypothecation is valid or binding unless at least twenty-five per cent of the capital stock subscribed has been paid in and invested in the construction of the road and appurtenances, and then only after an affirmative vote of two thirds of the capital stock subscribed.

SEC. 151. A new section is hereby added to said code, to be numbered five hundred and twenty-four, and to read as follows:

Section 524. The legislative or other body to whom is entrusted the government of any county, city and county, city, or town, may, under such regulations, restrictions, and limitations as it may provide, subject to existing laws, grant franchises for the construction of paths and roads, either on the surface, elevated, or depressed, on, over, across, or under the streets and public highways of any such county, city, or town, for the use of bicycles, tricycles, motorcycles, and other like horseless vehicles, for a term not exceeding fifty years. In incorporated cities no franchise must be granted for the purpose herein expressed, unless the consent in writing of the owners of a majority of the frontage upon the road or street along which said path or road is sought to be constructed, is first had and obtained, and filed with such legislative or governing body.

SEC. 152. Section five hundred and twenty-eight of said code is hereby amended to read as follows:

Section 528. No corporation must construct, or take tolls on, a bridge, ferry, wharf, chute, or pier until authority is granted therefor by the supervisors, or other governing body having authority in that behalf.

SEC. 153. Section five hundred and twenty-nine of said code is hereby amended to read as follows:

Section 529. Every such corporation ceases to be a body corporate:

1. If, within six months from filing its articles of incorporation, it has not obtained such authority from the board of supervisors, or other governing body having authority in that behalf; and if, within one year thereafter, it has not commenced the construction of the bridge, wharf, chute, or pier, and actually expended thereon at least ten per cent of the capital stock of the corporation;

2. If, within three years from filing the articles of incorporation, the bridge, wharf, chute, or pier is not completed;

3. If, when the bridge, wharf, chute, or pier of the corporation is destroyed, it is not reconstructed and ready for use within three years thereafter;

4. If the ferry of any such corporation is not in running order within three months after authority is obtained to establish it, or if at any time thereafter it ceases for a like term consecutively to perform the duties imposed by law.

SEC. 154. Section five hundred and thirty of said code is hereby amended to read as follows:

Section 530. The president and secretary of every bridge, ferry, wharf, chute, or pier corporation must annually, under oath, report to the board of supervisors, or other governing body having authority in that behalf, of the county in which the articles of incorporation are filed:

1. The cost of constructing and providing all necessary appendages and appurtenances for its bridge, ferry, wharf, chute, or pier;

2. The amount of all moneys expended thereon, since its construction, for repairs and incidental expenses;

3. The amount of its capital stock, how much paid in, and how much actually expended thereof;

4. The amount received during the year for tolls, and from all other sources, stating each separately;

5. The amount of dividends made, and the indebtedness of the corporation, specifying for what it was incurred;

6. Such other facts and particulars respecting the business of the corporation as the board of supervisors or other governing body having authority in that behalf may require.

This report the president and secretary must cause to be published for four weeks in a daily newspaper published nearest the bridge, ferry, wharf, pier, or chute, if required by order of the board of supervisors or other governing body having authority in that behalf. A failure to make such report subjects the corporation to a penalty of two hundred dollars, and for every week permitted to elapse after such failure an additional penalty of fifty dollars, payable in each case to the county from which the authority of the corporation was derived. All such cases must be reported by the board of supervisors, or other governing body having authority in that behalf, to the district attorney or city attorney, who must commence an action therefor.

SEC. 155. Section five hundred and thirty-six of said code is hereby amended to read as follows:

Section 536. Telegraph or telephone corporations may construct lines of telegraph or telephone along and upon any public road or highway, along or across any of the waters or lands within this state, and may erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

SEC. 156. Section five hundred and thirty-seven of said code is hereby amended to read as follows:

Section 537. Any person who injures or destroys, through want of proper care, any necessary or useful fixture of any telegraph or telephone corporation, is liable to the corporation for all damages sustained thereby. Any vessel which, by dragging its anchor, or otherwise, breaks, injures, or destroys the subaqueous cable of a telegraph or telephone corporation, subjects its owner to the damages hereinbefore specified.

SEC. 157. Section five hundred and thirty-eight of said code is hereby amended to read as follows:

Section 538. Any person who wilfully and maliciously does any injury to any telegraph or telephone property, mentioned in the preceding section, is liable to the corporation for one hundred times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.

SEC. 158. Section five hundred and thirty-nine of said code is hereby amended to read as follows:

Section 539. No telegraph or telephone corporation can recover damages for the breaking or injuring of any subaqueous telegraph or telephone cable, unless such corporation has previously erected on either bank of the waters under which the cable is placed, a monument, indicating the place where the cable lies, and publishes for one month in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings, and termini of the cable.

SEC. 159. Section five hundred and forty of said code is hereby amended to read as follows:

Section 540. Any telegraph or telephone corporation may at any time, with the consent of the persons holding two thirds of the issued stock of the corporation, sell, lease, assign, transfer, or convey any rights, privileges, franchises, or property of the corporation, except its corporate franchise.

SEC. 160. Section five hundred and forty-nine of said code is hereby amended to read as follows:

Section 549. All corporations formed to supply water to cities or towns must furnish pure, fresh water to the inhabitants thereof, for family uses, so long as the supply permits, at reasonable rates and without distinction of persons, upon proper demand therefor; and must furnish water to the extent of their means, in case of fire or other great necessity, free of charge. The board of supervisors, or the proper city or town authorities, may prescribe proper rules relating to the delivery of water, not inconsistent with the laws of the state.

SEC. 161. Section five hundred and fifty of said code is hereby repealed.

SEC. 162. Section five hundred and fifty-one of said code is hereby amended to read as follows:

Section 551. No canal, flume, or other appliance for the conducting of water must be so laid, constructed, or maintained as to obstruct any public highway; and every person or corporation owning, maintaining, operating or using any such canal, flume, or appliance, crossing or running along any public highway, must construct, maintain, and keep in repair such bridges across the same as may be necessary to the safe and convenient use of such highway by the public; and on failure so to do, the board of supervisors of the county may construct or repair such bridge or bridges, and recover of such person or corporation the amount of the expenditure made in so doing.

SEC. 163. Section five hundred and seventy-four of said code is hereby amended to read as follows:

Section 574. Savings and loan corporations may purchase, hold, and convey real and personal property, as follows:

1. The lot and building in which the business of the corporation is carried on, the cost of which must not exceed one hundred thousand dollars; except on a vote of two thirds of the stockholders, the corporation may increase the sum to an amount not exceeding two hundred and fifty thousand dollars;

2. Such as may have been mortgaged, pledged, or conveyed to it in trust, for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation;

3. Such as may have been purchased at sales under pledges, mortgages, or deeds of trust, made for its benefit, for money so loaned, and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon;

4. No such corporation must purchase, hold, or convey real estate in any other case or for any other purpose; and all real estate described in subdivision three of this section must be sold by the corporation within five years after the title thereto is vested in it by purchase or otherwise;

5. No such corporation must purchase, own, or sell personal property, except such as may be requisite for its immediate accommodation, for the convenient transaction of its business, mortgages on real estate, bonds, securities, or evidences of indebtedness, public or private, gold and silver bullion, and United States mint certificates of ascertained value, and evidences of debt issued by the United States;

6. No such corporation must purchase, hold, or convey bonds, securities, or evidences of debt, public or private, except bonds of the United States, of the State of California, and of the counties, cities, or towns, unless such corporation has a capital stock or reserve fund paid in of not less than three hundred thousand dollars.

SEC. 164. A new section is hereby added to said code, to be numbered five hundred and eighty, and to read as follows:

Section 580. The president of every savings bank, savings and loan society, and every other bank, depository, society, or institution in which deposits of money are made, whether any interest or dividend is paid, or agreed to be paid, thereon or not, must, within fifteen days after the first day of January of every odd-numbered year, return to the board of bank commissioners a sworn statement showing the amount placed to his credit, the last known place of residence or postoffice address, and the fact of death, if known to such president, of every depositor who has not made a deposit therein or withdrawn therefrom any part of his deposit, or any part of the interest or dividends thereon, for a period of more than ten years next preceding. Such president must give notice of these deposits in one or more newspapers published in or nearest the town, city, or city and county where such bank, society, or other institution is situated or has its principal place of business, at least once a week for four successive weeks, the cost of such publication to be paid pro rata out of such unclaimed deposits. This section does not apply to any deposit made by or in the name of a person known to the president to be living, and which, with the accumulation thereon, is less than fifty dollars. The board of bank commissioners must incorporate in their subsequent report each return made to them as provided in this section. Any president of either of the institutions mentioned in this section who neglects or refuses to make the sworn statement required thereby is guilty of a misdemeanor.

SEC. 165. A new section is hereby added to said code, to be numbered five hundred and eighty-four, and to read as follows:

Section 584. The directors of a mining corporation must not sell, lease, mortgage, nor otherwise dispose of any mining ground owned or held by the corporation, nor purchase any additional mining ground, unless their act is ratified by the holders of at least two thirds of the capital stock of the corporation made either in writing, signed and acknowledged by such stockholders, or by a resolution duly passed at a regularly called stockholders' meeting. The certificate of the secretary of any mining corporation reciting such ratification at a stockholders' meeting, or the names of the stockholders, with the amount of stock held by each and the total stock outstanding, signed and acknowledged by him in the manner provided for the acknowledgment of conveyances of real property, may be attached to, or indorsed upon, any deed, mortgage, conveyance, or other instrument made under this section and recorded with such deed, conveyance, or other instrument, and the recitals contained in such certificate, or the duly recorded copy thereof, are prima facie evidence of their truthfulness for all purposes whatsoever. No one except a stockholder in such corporation must be permitted to urge any objection to the acquisition by it of any additional ground or other property.

SEC. 166. Section five hundred and eighty-five of said code is hereby amended to read as follows:

Section 585. All the stock of a mining corporation must stand on the books thereof in the names of the real owners or the names of their trustees. In every case in which stock stands in the name of a trustee, the party for whom he holds it must be designated upon such books and also in the body of the certificate of such stock. Neither the corporation nor its secretary must close its books more than two days prior to the day of an election.

SEC. 167. A new section is hereby added to said code, to be numbered five hundred and eighty-seven *a*, and to read as follows:

Section 587*a*. It is lawful for two or more corporations formed, or that may hereafter be formed, under the laws of this state, for mining purposes, which own or possess mining claims or lands adjoining each other, or lying in the same vicinity, to consolidate their capital stock, debts, property, assets, and franchises, in such manner and upon such terms as may be agreed upon by the respective boards of directors or trustees of such corporations so desiring to consolidate their interests; but no such consolidation must take place without the written consent of the stockholders representing two thirds of the capital stock of each corporation, and no such consolidation can, in any way, relieve such corporations, or the stockholders thereof, from any and all just liabilities; and in case of such consolidation, due notice of the same must be given by advertising for one month, in at least one newspaper in the county where the said mining property is situated, if there is one published therein, and also in one newspaper published in the county where the principal place of business of any of said corporations is. And when the consolidation is completed, a certificate thereof, containing the manner and terms of such consolidation, must be filed in the office of the county clerk of the county in which the original certificate of incorporation of each of said corporations is filed, and a copy thereof must be filed in the office of the secretary of state; such certificate must be signed by a majority of each board of trustees or directors of the original corporations, and it is their duty to call, within thirty days after the filing of such certificate, a meeting of the stockholders of all of said corporations so consolidated, to elect a board of trustees or directors for the consolidated corporation, for the year thence next ensuing; and to cause notice of the time and place fixed for such meeting to be mailed to each stockholder of each of such corporations at his last known place of residence or business at least ten days before the time fixed for such meeting. The said certificate must also contain all the requirements prescribed by section two hundred and ninety.

SEC. 168. A new section is hereby added to said code, to be numbered five hundred and eighty-eight, and to read as follows:

Section 588. It is the duty of the secretary of every corporation formed for the purpose of mining, or conducting mining in California, to keep a complete set of books showing all receipts and expenditures of such corporation, the sources of such receipts, and the objects of such expenditures, and also all transfers of stock. All books and papers must, at all times during business hours, be open to the inspection of any stockholder. He is entitled to be accompanied by an expert, and to make copies or extracts from any such books or papers. He may, at reasonable hours, examine such mining property, accompanied by an expert, take samples, and make such other examination as he may deem necessary. It is the duty of the directors, on the second Monday of each and every month, to cause to be made an itemized account or balance sheet for the previous month, embracing a full and complete statement of all disbursements and receipts, showing from what sources such receipts were derived, and to whom and for what object or purpose such disbursements or payments were made; also all indebtedness or liabilities incurred or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand. Such account or balance sheet must be verified under oath by the president and secretary, and posted in some conspicuous place in the office of the company. It is the duty of the superintendent, on the first Monday of each month, to file with the secretary an itemized account, verified under oath, showing all receipts and disbursements made by him for the previous month, and for what said disbursements were made. Such account must also contain a verified statement showing the number of men employed under him, and for what purpose and the rate of wages paid to each. He must attach to such account a full and complete report, under oath, of the work done in said mine, the amount of ore extracted, from what part of mine taken, the amount sent to mill for reduction, its assay value, the amount of bullion received, the amount of bullion shipped to the office of the company or elsewhere, and the amount, if any, retained by the superintendent. It is his duty to forward to the office of the company a full report, under oath, of all discoveries of ores or mineral-bearing quartz made in said mine, whether by boring, drifting, sinking, or otherwise, together with the assay value thereof. All accounts, reports, and correspondence from the superintendent must be kept in some conspicuous place in the office of said company, open to the inspection of all stockholders.

SEC. 169. A new section is hereby added to said code, to be numbered five hundred and eighty-nine, and to read as follows:

Section 589. Any stockholder of a corporation formed under the laws of this state for the purpose of mining, is entitled to visit, accompanied by his expert, and examine the mine or mines owned by such corporation, and every part thereof, at any time he may see fit; and when such stockholder applies to the president of such corporation, he must immediately cause the secretary thereof to issue and deliver to such applicant an order,

under the seal of the corporation, directed to the superintendent, commanding him to show and exhibit such parts of said mine or mines as the party named in said order may desire to visit and examine. It is the duty of the superintendent, on receiving such order, to furnish such stockholder every facility for making a full and complete inspection of said mine or mines, and of the workings therein, and to accompany said stockholder either in person, or to furnish some person familiar with said mine or mines to accompany him in his visit to and through such mine or mines, and every part thereof. If the superintendent fails to obey such order, such stockholder is entitled to recover, in any court of competent jurisdiction, against the corporation, the sum of one thousand dollars, and traveling expenses to and from the mine, as liquidated damages, together with costs of suit. In case of such refusal, it is the duty of the directors of the corporation forthwith to remove the officer so refusing, and thereafter he must not be employed directly or indirectly by the corporation, nor must any salary be paid to him.

SEC. 170. A new section is hereby added to said code, to be numbered five hundred and ninety, and to read as follows:

Section 590. In case of the refusal or neglect of the president to cause to be issued by the secretary the order mentioned in section five hundred and eighty-nine, such stockholder is entitled to recover against said president the sum of one thousand dollars and costs, as provided in the last section. If the directors fail to have the reports and accounts current made and posted as provided in section five hundred and eighty-eight, they are liable, either severally or jointly, to an action by any stockholder complaining thereof, and on proof of such refusal or failure, he may recover judgment for actual damages sustained by him, with costs of suit. Each of such defaulting directors is also liable to removal for such neglect.

SEC. 171. A new section is hereby added to said code, to be numbered five hundred and ninety-one, to read as follows:

Section 591. Corporations for the formation and organization of chambers of commerce, boards of trade, mechanics' institutes, and other associations formed for the extension and promotion of trade and commerce, or the advancement, protection, and improvement of the mechanic arts, may be formed by twenty or more persons, who must execute and file articles of incorporation as prescribed in chapter one of title one of part four of this code. Upon receiving from the secretary of state a certificate of the filing with him of a certified copy of its articles of incorporation, such corporation becomes a body corporate, and by its corporate name has succession for the period limited in its articles, and power: (1) to sue and be sued in any court; (2) to make and use a common seal, and alter it at pleasure; (3) to lease, purchase, hold, sell, mortgage, convey in trust, convey, release from trust or mortgage, such real and personal property as hereinafter provided; (4) to elect and appoint such officers, agents, and servants as the business of the corporation may require; and (5) to make by-laws, not inconsistent with the laws of this state, providing for the organization of the corporation and the management of its affairs. No corporation formed under this title must engage in any mercantile, commercial, or mechanical business.

SEC. 172. A new section is hereby added to said code, to be numbered five hundred and ninety-two, to read as follows:

Section 592. Every corporation formed under this title may have a capital stock and issue certificates to represent the shares thereof, if the articles of incorporation contain a statement of the amount of its capital stock and the number of shares into which it is divided. The rights and privileges to be accorded to stockholders are distinct from those to be accorded to members at large of the corporation, and the obligations to be imposed upon stockholders in the same relation must be fixed and established in the by-laws of the corporation.

SEC. 173. A new section is hereby added to said code, to be numbered five hundred and ninety-two a, to read as follows:

Section 592a. The corporation may confer upon a board of trustees or directors, or upon a body to be styled the executive committee of the corporation, the right to exercise all or any of the corporate powers, if the articles of incorporation state that the right to exercise the corporate powers is to be confided to such board of trustees or directors or to such executive committee, and the number of trustees, directors, or committee, and the names of those selected to take charge of the affairs of the corporation for the first six months.

SEC. 174. A new section is hereby added to said code, to be numbered five hundred and ninety-two b, to read as follows:

Section 592b. Every corporation formed under this title may lease, purchase, have, hold, use, take possession of, and enjoy in fee simple or otherwise any personal or real property within the state necessary for the uses and purposes of the corporation, and may sell, lease, deed in trust, alien, or dispose of the same at its pleasure.

SEC. 175. A new section is hereby added to said code, to be numbered five hundred and ninety-two c, to read as follows:

Section 592c. The by-laws of any corporation formed under this title without capital stock must prescribe how members of the corporation shall be admitted and how expelled, and how officers, agents, and servants shall be appointed. Such provisions in the by-laws have force and effect as between private parties and the corporation. All corporations formed under the provisions of this title must determine, by their by-laws, the manner of calling and conducting their meetings, the number of members that constitute a quorum, the manner of levying and collecting assessments, the officers of the corporation, the manner of their election or appointment and their tenure of office, and

may prescribe suitable penalties for the violation of such by-laws, not exceeding in any case one hundred dollars for any one offense.

SEC. 176. A new section is hereby added to said code, to be numbered five hundred and ninety-two *d*, to read as follows:

Section 592*d*. Every corporation formed under the provisions of this title has power to levy and collect, from the members thereof, for the purpose of paying the proper and legal expenses of the corporation, assessments in such manner as may be prescribed by its by-laws, but not otherwise.

SEC. 177. A new section is hereby added to said code, to be numbered five hundred and ninety-two *e*, to read as follows:

Section 592*e*. Every corporation, association, or institution formed prior to the enactment of this title, for any of the purposes contemplated thereby, may, by a vote of the majority of its members voting at a meeting called for that purpose, become entitled to the benefit thereof on filing the certificate hereinafter required. Notice of such meeting and of its object must be published in a newspaper of general circulation in the county in which the principal place of business of the corporation, association, or institution is located, for at least two weeks before the day on which the meeting is to be held. Such certificate must be signed and acknowledged by at least five members of the corporation, association, or institution, must contain a list of the members who desire to become members, and must be filed with the county clerk of such county, and a copy thereof, certified by him, must be filed with the secretary of state. Thereupon such corporation, association, or institution possesses all the powers and privileges conferred by this title.

SEC. 178. Section five hundred and ninety-three of said code is hereby amended to read as follows:

Section 593. Any number of persons associated together for any purpose, where pecuniary profit is not their object, and for which individuals may lawfully associate themselves, may, in accordance with the rules, regulations, or discipline of such association, elect directors, the number thereof to be not less than five nor more than eleven, and may incorporate themselves as provided in this title.

SEC. 179. Section five hundred and ninety-five of said code is hereby amended to read as follows:

Section 595. All such corporations may hold all the property of the association owned prior to incorporation or acquired thereafter in any manner, and transact all business relative thereto; but no such corporation must own or hold more real estate than may be necessary for the business and objects of the association and providing burial ground for its deceased members, not to exceed six whole lots in any city or town, nor more than twenty acres in the country; the annual increase, income, or profit whereof must not exceed fifty thousand dollars. Any such corporation now or hereafter having, and having had continuously for the next preceding three years, the care, custody, control, and maintenance each year upon an annual average of not less than one hundred orphans, half-orphans, and indigent minor children at any one orphan asylum, is entitled and allowed to own and possess any number of acres, not exceeding one hundred and sixty, of land in the country, outside of any incorporated city or town, the annual income or profit of which does not exceed fifty thousand dollars. Such orphan asylum must be situated on such lands. The limitations herein provided for do not apply to corporations formed, or to be formed, under section six hundred and two, when the land is held or used for churches, hospitals, schools, colleges, orphan asylums, parsonages, or cemetery purposes, or to corporations organized other than for profit, when the land is timber land, and not exceeding one hundred and sixty acres in extent, and is held or used for the purposes of the organization, in which case said land shall be subject to all laws regulating the preservation of forests.

SEC. 180. Section five hundred and ninety-seven of said code is hereby amended to read as follows:

Section 597. The directors must annually make a full report of all property, real and personal, held by such corporation or by them in trust for such corporation, and of the condition thereof, to the members of the association for which they are acting.

SEC. 181. A new section is hereby added to said code, to be numbered six hundred and seven, to read as follows:

Section 607. Corporations may be formed by any number of persons not less than five, a majority of whom must be citizens and residents of this state, under the general provisions of this code, for the purpose of the prevention of cruelty to children or animals, or both.

SEC. 182. A new section is hereby added to said code, to be numbered six hundred and seven *a*, to read as follows:

Section 607*a*. Every such corporation may take and hold, by gift, purchase, devise, or bequest, any property, real or personal, and dispose of the same at its pleasure: but it must not hold real property the annual income of which exceeds fifty thousand dollars.

SEC. 183. A new section is hereby added to said code, to be numbered six hundred and seven *b*, to read as follows:

Section 607*b*. Any such corporation, or any member or officer thereof, may prefer a complaint against any person or persons, before any court or magistrate having jurisdiction, for the violation of any law relating to or affecting children or animals, and may aid in the prosecution of any such offender before such court or magistrate in any proceeding taken.

SEC. 184. A new section is hereby added to said code, to be numbered six hundred and seven c, to read as follows:

Section 607c. All magistrates, constables, sheriffs, and officers of police must, as occasion may require, aid any such corporation, its officers, members, and agents, in the enforcement of all laws which are now or may be hereafter enacted relating to or affecting children or animals.

SEC. 185. A new section is hereby added to said code, to be numbered six hundred and seven d, to read as follows:

Section 607d. The provisions of this title extend to all corporations heretofore formed and existing for the prevention of cruelty to children or animals, but do not extend or apply to any association, society, or corporation which uses or specifies a name or style the same, or substantially the same, as that of any previously existing society or corporation in this state organized for a like purpose.

SEC. 186. A new section is hereby added to said code, to be numbered six hundred and seven e, to read as follows:

Section 607e. All fines, penalties, and forfeitures imposed and collected in any county of this state under the provisions of any law of this state, now or hereafter enacted, relating to or affecting children or animals, in every case where the prosecution was instituted, aided, or conducted by any such corporation or society now or hereafter existing, must, except where otherwise provided, inure to such corporation or society in aid of the purposes for which it was incorporated or organized.

SEC. 187. A new section is hereby added to said code, to be numbered six hundred and seven f, to read as follows:

Section 607f. All members and agents, and all officers of each or any of such corporations or societies, as may by the trustees thereof be duly authorized in writing, approved by a judge of the superior court of the county in which such corporation or society was organized, and sworn in the same manner as are constables or peace officers, have power lawfully to interfere to prevent the perpetration of any act of cruelty upon any child or dumb animal, and may use such force as is necessary to prevent the same, and to that end may summon to their aid any bystander; they may make arrests for the violation of any penal law relating to or affecting children or animals in the same manner as a constable or other peace officer; and may carry the same or similar weapons that such officers are authorized to carry. All such members and agents must, when making such arrests, exhibit and expose a suitable badge to be adopted by such corporation or society. All persons resisting such specially appointed officers, when performing any duty under this section, are guilty of a misdemeanor.

SEC. 188. A new section is hereby added to said code, to be numbered six hundred and seven g, to read as follows:

Section 607g. Any child under the age of sixteen years that comes within any of the following descriptions named:

1. Who is found begging or receiving or gathering alms (whether actually begging, or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering, or receiving alms;
2. Who is found wandering and not having any home or settled place of abode or proper guardianship, or visible means of subsistence;
3. Who is found destitute, either being an orphan, or having a vicious parent who is undergoing penal servitude or imprisonment;
4. Who frequents the company of reputed thieves or prostitutes, or houses of prostitution or assignation, or dance houses, concert saloons, theaters, or variety halls or other places of amusement where spirituous, malt, or vinous liquors are sold, without parent or guardian;
5. Who is engaged or used for or in any business, exhibition, vocation, or purpose, in violation of any law of this state;

—Must be arrested and brought before a court or magistrate, and when, upon examination before such court or magistrate, it appears that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions; or when, upon the examination or conviction of any person having the custody of a child, of a criminal assault upon it, the court or magistrate before whom such examination or conviction is had deems it desirable for the welfare of such child that the person so examined or convicted should be deprived of its custody thereafter; such court or magistrate when it deems it expedient for the welfare of such child, may commit such child to an orphan asylum, corporation, or society for the prevention of cruelty to children, charitable or other institution, or make such other disposition thereof as now or hereafter may be provided by law in cases of vagrant, truant, disorderly, pauper, or destitute children. Any corporation, organized under this title, or now existing, for the prevention of cruelty to children, or any officer or member thereof, may institute proceedings under this section, for the welfare of any such child.

SEC. 189. Section six hundred and twelve of said code is hereby amended to read as follows:

Section 612. Any corporation organized to establish and maintain, or to improve, a cemetery, may take and hold any property bequeathed, granted, or given to it in trust, to apply the proceeds or income thereof to any and all of the following purposes: To the improvement or embellishment of such cemetery, or of any lot therein; or to the erection, renewal, repair, or preservation of any monument, fence, or other structure in such cemetery; or to the planting or cultivation of trees, shrubs, or plants in or around such cemetery, or any lot therein; or to the improving, ornamenting, or embellishing of

such cemetery, or any lot therein, in any other mode or manner not inconsistent with the purposes for which such cemetery was established or is being maintained. Such property, and the proceeds or income thereof, must be invested and reinvested by such corporation, in bonds of the United States, or of this state, or of any municipality of this state, or in mortgages on real estate, if such investment is not repugnant to the terms of the bequest, grant, or gift.

SEC. 190. Section six hundred and thirteen of said code is hereby amended to read as follows:

Section 613. Whenever an interment is made in any lot or plat transferred to individual owners by the corporation, the same thereby becomes forever inalienable, and descends in regular line of succession to the heirs at law of the owner. When there are several owners of interests in such lot or plat, one or more may acquire by purchase the interest of others interested in the fee simple title thereof, but no one not an owner acquires an interest or right of burial therein by purchase; nor must any one be buried in any such lot or plat not at the time owning an interest therein, or who is not a relative of such owner, or of his wife, except by consent of all jointly interested; *provided, however,* that when all the bodies buried in any such lot have been removed therefrom, with the consent of a majority of the board of directors of the corporation owning said cemetery, it is lawful for the then owners of such lot, with the consent of a majority of said directors, to sell and transfer the same by deed; and any such sale and transfer, heretofore made, is hereby declared to be valid and effectual to transfer the title to the purchaser, any law to the contrary thereof notwithstanding.

SEC. 191. Section six hundred and twenty-nine of said code is hereby amended to read as follows:

Section 629. Upon the application in writing of the owner or occupant of any building or premises distant not more than one hundred feet from any main, or direct or primary wire, of the corporation, and payment by the applicant of all money due from him, the corporation must supply gas or electricity as required for such building or premises, and cannot refuse on the ground of any indebtedness of any former owner or occupant thereof, unless the applicant has undertaken to pay the same. If, for the space of ten days after such application, the corporation refuses or neglects to supply the gas or electricity required, it must pay to the applicant the sum of fifty dollars as liquidated damages, and five dollars per day as liquidated damages for every day such refusal or neglect continues thereafter.

SEC. 192. Section six hundred and thirty of said code is hereby amended to read as follows:

Section 630. No corporation is required to lay service pipe or wires where serious obstacles exist to laying them, unless the applicant, if required, deposits in advance, with the corporation, a sum of money sufficient to pay the cost of laying such service pipe, or wires, or his proportion thereof.

SEC. 193. Section six hundred and thirty-one of said code is hereby amended to read as follows:

Section 631. Any owner or manager of gas or electric light works, or agent of such owner or manager, exhibiting written authority, signed by such owner or manager, or any agent of a gas or electric light corporation exhibiting written authority, signed by the president or secretary thereof for such purpose, may enter any building or premises lighted with gas or electricity supplied by such owner or corporation, to inspect the gas meters or electric meters therein to ascertain the quantity of gas or electricity supplied or consumed. Every owner or occupant of such building who hinders or prevents such entry or inspection must pay to the owner or corporation the sum of fifty dollars as liquidated damages.

SEC. 194. Section six hundred and thirty-two of said code is hereby amended to read as follows:

Section 632. All gas or electric light corporations may shut off the supply of gas or electricity from any person who neglects or refuses to pay for the gas or electricity supplied, or the rent of any meter, pipes, wires, or fittings, provided by the corporation, as required by his contract; and for the purpose of shutting off the gas or electricity in such case any employé of the corporation may enter the building or premises of such person between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, of any day, and remove therefrom any property of the corporation used in supplying gas or electricity.

SEC. 195. Section six hundred and thirty-five of said code is hereby amended to read as follows:

Section 635. The directors may, at their discretion, under the regulations prescribed in their by-laws, retire the free shares of any series of stock, at any time after four years from the date of their issue, by enforcing the withdrawal of the same; but whenever there remains in any series, at the expiration of five years after the date of its issue, an excess above one hundred free shares of the par value of two hundred dollars each, or two hundred free shares of the par value of one hundred dollars each, then it is the duty of the directors to retire annually twenty-five per centum of such excess existing at said expiration of five years after the date of its issue, so that no more than one hundred free shares shall remain in such series at the expiration of nine years from the date of its issue. No more than one half the monthly receipts must be used for that purpose; and thereafter the directors may, in their discretion, retire such other free shares as they consider to be for the best interest of the association. Whenever, under the provisions of this section, the withdrawal of shares is to be enforced, the

shares to be retired must be determined by lot, drawn from all free shares in the series, as may be regulated by the by-laws, and the holders thereof must be paid the amount actually paid in, and the full amount of net earnings at the date of retirement.

Sec. 196. A new section is hereby added to said code, to be numbered six hundred and thirty-eight *a*, and to read as follows:

Section 638*a*. A stockholder desiring to withdraw from the association or to surrender a part or all of his stock may do so by giving thirty days' notice, in writing, of his intention. On the expiration of such notice, he is entitled to receive the full amount paid in upon the stock surrendered, together with such proportion of the earnings thereon as the by-laws may provide, or as may be fixed by the board of directors; but not more than one half of the monthly receipts in any one month must be applied to withdrawals for that month without the consent of the board of directors, and no stockholder must be permitted to withdraw whose stock is pledged to the association as security for a loan until such loan is fully paid. Such withdrawals must be paid in succession in the order that the notices of intention are given.

Sec. 197. Section six hundred and forty-one of said code is hereby amended to read as follows:

Section 641. Any such association has power to borrow money for the purpose of making loans or paying withdrawals or maturities; but the indebtedness thus incurred must not, at any one time, exceed twenty-five per centum of the assets of the association. Before any money shall be borrowed, the board of directors must, by a majority vote of all of its members, pass and record a resolution to that effect, and authorize the execution and delivery of the notes or other obligations of the association, with or without security therefor.

Sec. 198. Section six hundred and forty-three of said code is hereby amended to read as follows:

Section 643. Any person of full age and sound mind may become a member of the association by taking one or more shares therein, and subscribing to the by-laws, and annexing to his signature his postoffice address. A minor may hold shares in the name of the parent, guardian, or next friend as trustee.

Sec. 199. Section six hundred and forty-eight and a half of said code is hereby repealed.

Sec. 200. A new section is hereby added to said code, to be numbered six hundred and fifty-three *a*, to read as follows:

Section 653*a*. Cooperative business corporations may be formed for doing any lawful business, and dividing a portion of their profits among persons other than their stockholders. Each of such corporations may, in its by-laws, in addition to the matters specified in section three hundred and three, provide the amount of profits which must be divided among persons other than its stockholders, and the manner in which and the persons among whom such division may be made.

Sec. 201. A new section is hereby added to said code, to be numbered six hundred and fifty-three *b*, to read as follows:

Section 653*b*. Five or more persons may form a cooperative association for the transaction of any lawful business, whether for profit or not, or for the promotion of any educational, industrial, benevolent, social, or political purpose. Such association must not have any capital stock, but must issue membership certificates to each member. Such certificate cannot be assigned, so that the assignee can, by its transfer, become a member of the association, but, by a resolution of its board of directors, such certificate may be transferred, and the transferee made a member in lieu of the last former holder.

Sec. 202. A new section is hereby added to said code, to be numbered six hundred and fifty-three *c*, to read as follows:

Section 653*c*. In such association the rights and interests of all members are equal, and no member can have or acquire a greater interest therein than any other member has. At every election held pursuant to the by-laws each member must be entitled to cast one vote and no more. All persons above the age of eighteen years, regardless of sex, are eligible to membership, if otherwise qualified and elected as the by-laws may provide. The by-laws must provide for the amount of the indebtedness which such association may incur. And no member shall be responsible individually, or personally liable, for any of the debts or liabilities of the association in excess of his proportion of such indebtedness; but in case of the failure and insolvency of such association, may be required to pay any unpaid dues or installments which have, before such insolvency, become due from such member to the association, pursuant to its by-laws.

Sec. 203. A new section is hereby added to said code, to be numbered six hundred and fifty-three *d*, to read as follows:

Section 653*d*. Every association formed under this title must prepare articles of association, in writing, stating: The name of the association, the purpose for which it is formed, the place where its principal business is to be transacted, the term for which it is to exist, not to exceed fifty years, the number of the directors thereof, and the names and residences of those selected for the first year, the amount which each member is to pay upon admission as membership fee, and that each member signing the articles has actually paid in such sum, and that the interest and right of each member therein is to be equal. Such articles of association must be subscribed by the original associates or members, and acknowledged by each before some person competent to take an acknowledgment of a deed in this state. Such articles so subscribed and acknowledged must be filed in the office of the clerk of the county wherein the principal business of the asso-

ciation is to be transacted, and a copy thereof certified by such clerk, with the secretary of state, who must thereupon issue his certificate in the form and having the effect prescribed in section two hundred and ninety-six.

SEC. 214. A new section is hereby added to said code, to be numbered six hundred and fifty-three e, to read as follows:

Section 653e. Every association formed under this title must, within forty days after it so becomes an association, adopt a code of by-laws for the government and management of the association, not inconsistent with this title. A majority of all the associates is necessary to the adoption of such by-laws, and the same must be written in a book, and subscribed by the members adopting the same, and the same cannot be amended or modified except by the vote of a majority of all the members, after notice of the proposed amendment, given as the by-laws may provide. Such association may, by its by-laws, provide for the time, place, and manner of calling and conducting its meetings; the number of directors, the time of their election, their term of office, the mode and manner of their removal, the mode and manner of filling vacancies in the board caused by death, resignation, removal, or otherwise, and the power and authority of such directors, and how many thereof are necessary to the exercise of the powers of such directors, which must be at least a majority; the compensation of any of the directors, or of any officer; the number of the officers, if any, other than the directors, and their term of office; the mode of removal, and the method of filling a vacancy; the mode and manner of conducting business; the mode and manner of conducting elections, and may provide for voting by ballots forwarded by mail or otherwise, provided the method secures the secrecy of the ballot; the mode and manner of succession of membership, and the qualifications for membership, and on what conditions, and when membership must cease and the mode and manner of expulsion of a member, subject to the right of an expelled member to have the board of directors appraise his interest in the association in either money, property, or labor, as the directors may deem best, and to have the money, property, or labor so awarded him paid, or delivered, or performed within forty days after expulsion; the amount of membership fee, and the dues, installments, or labor which each member must be required to pay or perform, if any, and the manner of collection or enforcement, and for forfeiting or selling of membership interest for nonpayment or nonperformance; the method, time, and manner of permitting the withdrawal of a member, if at all, and how his interest must be ascertained, either in money or property, and within what time the same must be paid or delivered to such member; the mode and manner of ascertaining the interest of a member at his death, if his legal representatives or none of them desire to succeed to the membership, and whether the same must be paid to his legal representatives in money, or property, or labor, and within what time the same must be paid, or delivered, or performed; such other things as may be proper to carry out the purpose for which the association was formed. The by-laws must provide for the time and manner in which profits must be divided among the members, and what proportion of the profits, if any, must be added to the common property or funds of the association. But the by-laws may provide that the directors may suspend or pass the payment of any such profit, or installment of earnings, at their discretion. The by-laws and all amendments must be recorded in a book and kept in the office of the association, and a copy, certified by the directors, must be filed in the office of the county clerk where the principal business is transacted.

SEC. 205. A new section is hereby added to said code, to be numbered six hundred and fifty-three f, to read as follows:

Section 653f. The property of such association is subject to attachment and execution for its lawful debts. The interest of a member in such association, if sold upon execution, or any judicial or governmental order whatever, cannot authorize the purchaser to have any right, except to succeed, as a member in the association, with the consent of the directors, to the rights of the member whose interest is thus sold. If the directors choose to pay or settle the matter after such sale, they may either cancel the membership, and add the interest thus sold to the assets or common property of the association, or reissue the share or right to a new member upon proper payment therefor, as the directors may determine.

SEC. 206. A new section is hereby added to said code, to be numbered six hundred and fifty-three g, to read as follows:

Section 653g. The purpose of the business may be altered, changed, modified, enlarged, or diminished by a vote of two thirds of all the members, at a special election to be called for such purpose, of which notice must be given the same as the by-laws provide for the election of directors.

SEC. 207. A new section is hereby added to said code, to be numbered six hundred and fifty three h, to read as follows:

Section 653h. Every association formed under this title has power of succession by its associate name for fifty years; in such name to sue and be sued in any court; to make and use a common seal, and alter the same at pleasure; to receive by gift, devise, or purchase, hold, and convey real and personal property, as the purposes of the association may require; to appoint such subordinate agents or officers as the business may require; to admit associates or members, and to sell or forfeit their interest in the association for default of installments, or dues, or work, or labor required, as provided by the by-laws; to enter into any and all lawful contracts or obligations essential to the transaction of its affairs, for the purpose for which it was formed, and to borrow money,

and issue all such notes, bills, or evidences of indebtedness or mortgage as its by-laws may provide for; to trade, barter, buy, sell, exchange, and to do all other things proper to be done for the purpose of carrying into effect the objects for which the association is formed.

SEC. 208. A new section is hereby added to said code, to be numbered six hundred and fifty-three i, to read as follows:

Section 653i. Two or more associations formed and existing under this title, or under any preëxisting law authorizing their formation for the same purposes, may be consolidated, upon such terms, and for such purposes, and by such name, as may be agreed upon, in writing, signed by two thirds of the members of each such association. Such agreement must also state all the matters necessary to articles of association, and must be acknowledged by the signers before an officer competent to take an acknowledgment of deeds in this state, and be filed in the office of the secretary of state, and a certified copy thereof in the office of the county clerk of the county where its principal business is to be transacted; and from and after the filing of such certified copy, the former associations comprising the component parts cease to exist, and the consolidated association succeeds to all the rights, duties, and powers of the component associations, and is possessed of all the rights, duties, and powers prescribed in the agreement of consolidated association not inconsistent with this title, and is subject to all the liabilities and obligations of the former component associations, and succeeds to all the property and interests thereof, and may make by-laws and do all things permitted by this title.

SEC. 209. A new section is hereby added to said code, to be numbered six hundred and fifty-three j, to read as follows:

Section 653j. Any association formed or consolidated under this title may be dissolved and its affairs wound up voluntarily by the written request of two thirds of the members. Such request must be addressed to the directors, and must specify reasons why the winding up of the affairs of the association is deemed advisable, and must name three persons who are members to act in liquidation and in winding up the affairs of the association, a majority of whom must thereupon have full power to do all things necessary to liquidation; and upon the filing of such request with the directors, and a copy thereof in the office of the county clerk of the county where the principal business is transacted, all power of the directors ceases and the persons appointed must proceed to wind up the association, and realize upon its assets, and pay its debts, and divide the residue of its money among the members, share and share alike, within a time to be named in said written request, or such further time as may be granted them by two thirds of the members, in writing, filed in the office of said county clerk; and upon the completion of such liquidation the said association must be deemed dissolved. No receiver of any such association, or of any property thereof, or of any right therein, can be appointed by any court, upon the application of any member, save after judgment of dissolution for usurping franchises at the suit of the State of California by its attorney-general.

SEC. 210. A new section is hereby added to said code, to be numbered six hundred and fifty-three k, to read as follows:

Section 653k. The right of any association claiming to be organized under this title to do business may be inquired into by quo warranto, at the suit of the attorney-general of this state, but not otherwise.

SEC. 211. Section six hundred and seventy-two of said code is hereby repealed.

SEC. 212. Section six hundred and eighty-two of said code is hereby amended to read as follows:

Section 682. The ownership of property by several persons is either:

1. Of joint interests;
2. Of partnership interests;
3. Of interests in common;
4. Of the community interest of husband and wife;
5. Of property held by a husband and wife as tenants by the entireties.

SEC. 213. Section six hundred and eighty-three of said code is hereby amended to read as follows:

Section 683. A joint interest is one owned by several persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy, or when granted or devised to executors or trustees.

SEC. 214. Section six hundred and eighty-six of said code is hereby amended to read as follows:

Section 686. Every interest created in favor of several persons in their own right is an interest in common, unless acquired by them as executors or trustees or in partnership for partnership purposes, or unless declared in its creation to be a joint interest, as provided in section six hundred and eighty-three, or unless acquired as community property, or unless when conveyed to a husband and wife, the conveyance declares that it is to be held by them as tenants by the entireties.

SEC. 215. Section seven hundred and two of said code is hereby amended to read as follows:

Section 702. The names and classification of interests in real property have only such application to interests in personal property as in this code expressly provided.

SEC. 216. Section seven hundred and three of said code is hereby amended to read as follows:

Section 703. No future interest in property is recognized by the law, except such as is defined in this code.

SEC. 217. Section seven hundred and nine of said code is hereby amended to read as follows:

Section 709. If a condition precedent requires the performance of an unlawful act, the instrument containing it is so far void, and the right cannot exist.

SEC. 218. Section seven hundred and seventeen of said code is hereby amended to read as follows:

Section 717. No lease or grant of land for agricultural purposes for a longer period than thirty years, in which is reserved any rent or service of any kind, is valid.

SEC. 219. Section seven hundred and eighteen of said code is hereby amended to read as follows:

Section 718. No lease or grant of any town or city lot for a longer period than fifty years, in which is reserved any rent or service of any kind, is valid.

SEC. 220. Section seven hundred and sixty-two of said code is hereby amended to read as follows:

Section 762. Every estate of inheritance is a fee, and every such estate, when not defeasible or conditional, is a fee simple.

SEC. 221. Section seven hundred and ninety-three of said code is hereby amended to read as follows:

Section 793. An action for the possession of real property leased or granted, with a right of reentry, may be maintained at any time, after the right to reenter has accrued, without the notice prescribed in section seven hundred and ninety-one.

SEC. 222. Section eight hundred and one of said code is hereby amended to read as follows:

Section 801. The following land burdens, or servitudes upon land, may be attached to other land as incidents or appurtenances, and are then called easements:

1. The right of pasture;
2. The right of fishing;
3. The right of taking game;
4. The right of way;
5. The right of taking water, wood, minerals, and other things;
6. The right of transacting business upon land;
7. The right of conducting lawful sports upon land;
8. The right of receiving air, light, or heat from or over, or discharging the same upon or over land;
9. The right of receiving water from or discharging the same upon land;
10. The right of flooding land;
11. The right of having water flow without diminution or disturbance of any kind;
12. The right of using a wall as a party wall;
13. The right of receiving more than natural support from adjacent land or things affixed thereto, or of receiving therefrom support for structures on the land of the owner of the easement;
14. The right of having the whole of a division fence maintained by a coterminous owner;
15. The right of having public conveyances stopped, or of stopping the same on land;
16. The right of a seat in church;
17. The right of burial.

SEC. 223. Section eight hundred and twenty-two of said code is hereby amended to read as follows:

Section 822. Whatever remedies the lessor of any real property has against his immediate lessee for the breach of any agreement in the lease, or for the recovery of the possession, he has against the assignees of the lessee, for any cause of action accruing while they are such assignees, except where the assignment is made by way of security for a loan, and is not accompanied by possession of the premises.

SEC. 224. Section eight hundred and thirty of said code is hereby amended to read as follows:

Section 830. Except where the grant under which the land is held indicates a different intent, the owner of the upland, when it borders on tide-water, takes to ordinary high-water mark; when it borders upon a navigable lake or stream, where there is no tide, the owner takes to the edge of the lake or stream, at low-water mark; when it borders upon any other water, or upon a tidal or navigable lake or stream, where the grantor has title to the middle thereof, the owner takes to the middle of the lake or other water.

SEC. 225. Section eight hundred and thirty-two of said code is hereby amended to read as follows:

Section 832. Each coterminous owner is entitled to the lateral and subjacent support which his land in its natural condition receives from the adjoining land. Such owner is also entitled to such support for his land when improved, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction, on using ordinary care and skill, and giving previous reasonable notice to the other of his intention to make such excavation.

SEC. 226. A new section is hereby added to said code, to be numbered eight hundred and forty-two, and to read as follows:

Section 842. When two or more persons are associated by agreement in the use of a ditch, flume, pipe-line, or other conduit for the conveyance of water, or who are using such ditch, flume, pipe-line, or other conduit, or any part thereof, for the irrigation of

land or for any other lawful purpose, to the construction of which they or their grantors have contributed, he is liable to the others for the reasonable expenses of maintaining and repairing the same, and of distributing such water in proportion to the share to which he is entitled in the use of the water.

Sec. 227. A new section is hereby added to said code, to be numbered eight hundred and forty-three, and to read as follows:

Section 443. If any one of them neglects, after demand in writing, to pay his proportion of such expenses, he is liable therefor in an action for contribution, and in any judgment obtained against him, interest from the time of such demand must be included. The action authorized by this section must be brought by any or all of the parties who have contributed more than his or their just proportion of such expenses, and may be joint or several, and therein plaintiff may recover as costs reasonable counsel fees, to be fixed by the court.

Sec. 228. Section eight hundred and fifty-seven of said code is hereby amended to read as follows:

Section 457. Express trusts may be created for any of the following purposes:

1. To sell real property, and apply or dispose of the proceeds in accordance with the instrument creating the trust;

2. To mortgage or lease real property for the benefit of annuitants or other legatees, or beneficiaries, or for the purpose of satisfying any charge thereon;

3. To receive the rents and profits of real property, and pay them to or apply them to the use of any person, whether ascertained at the time of the creation of the trust or not, for himself or for his family, during the life of such person, or for any shorter term, subject to the rules of title two of this part; or,

4. To receive the rents and profits of real property, and to accumulate the same for the purposes and within the limits prescribed by sections seven hundred and twenty-two to seven hundred and twenty-six, both inclusive.

Sec. 229. Section eight hundred and fifty-nine of said code is hereby amended to read as follows:

Section 459. Where a trust is created to receive the rents and profits of real property, and pay or apply them to the use of any person, and no valid direction for accumulation for the benefit of such person is given, the surplus of such rents and profits, beyond the sum that may be necessary for the education and support of such person and his family, is, unless the trust is created by another person and the instrument creating the trust otherwise expressly provides, liable to the claims of the creditors of such beneficiary, in the same manner as personal property which cannot be reached by execution.

Sec. 230. Section nine hundred and seventy of said code is hereby amended to read as follows:

Section 970. In the case of ships meeting, the following rules must be observed, in addition to those prescribed by that part of the Political Code which relates to navigation:

1. Whenever any ship, whether a steamer or sailing ship, proceeding in one direction, meets another ship, whether a steamer or sailing ship, proceeding in another direction, so that if both ships were to continue their respective courses they would pass so near as to involve the risk of a collision, the helms of both ships must be put to port so as to pass on the port side of each other; and this rule applies to all steamers and all sailing ships, whether on the port or starboard tack, and whether close-hauled or not, except where the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject, also, to a due regard to the dangers of navigation, and, as regards sailing ships, on the starboard tack close-hauled, to the keeping such ships under command;

2. In the case of sailing vessels, those having the wind fair must give way to those on a wind. When both are going by the wind, the vessel on the starboard tack must keep her wind, and the one on the larboard tack bear up strongly, passing each other on the larboard hand. When both vessels have the wind large or abeam, and meet, they must pass each other in the same way on the larboard hand, to effect which two last mentioned objects the helm must be put to port. Steam vessels must be regarded as vessels navigating with a fair wind, and should give way to sailing vessels on a wind of either tack;

3. A steamer navigating a narrow channel must, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of the steamer;

4. A steamer when passing another steamer in such channel must always leave the other upon the larboard side;

5. When steamers must inevitably or necessarily cross so near that, by continuing their respective courses, there would be a risk of collision, each vessel must put her helm to port, so as always to pass on the larboard side of each other;

6. The rules of this section do not apply to any case for which a different rule is provided by the regulations for the government of pilots of steamers approaching each other within the sound of the steam whistle, or by the regulations concerning lights upon steamers, prescribed by or under authority of the laws of the United States.

Sec. 231. Section nine hundred and ninety-three of said code is hereby amended to read as follows:

Section 993. The good will of a business is property, transferable like any other, and the person transferring it may transfer with it the right of using the name under which the business is conducted.

SEC. 232. Section ten hundred and fourteen of said code is hereby amended to read as follows:

Section 1014. Where, from natural causes, land forms by imperceptible degrees upon the bank of a river, stream, or other water, navigable or not navigable, either by accumulation of material or by the recession of the stream, such land belongs to the owner of the bank, subject to any existing right of way over the bank.

SEC. 233. Section ten hundred and seventeen of said code is hereby amended to read as follows:

Section 1017. An island, or an accumulation of land, formed in a stream which is not navigable, belongs to the owner of the bank on that side where the island or accumulation is formed; or, if not formed on one side only, to the owners of the banks on the two sides, divided by an imaginary line drawn through the middle of the stream.

SEC. 234. Section ten hundred and fifty-five of said code is hereby amended to read as follows:

Section 1055. A grant duly executed is presumed to have been delivered at its date, except that if proved or acknowledged before some officer, it is presumed to have been delivered at the date of his certificate thereof, unless the proof shows it to have been delivered at some earlier date and the certificate so states.

SEC. 235. Section ten hundred and sixty-seven of said code is hereby amended to read as follows:

Section 1067. A clear and distinct provision in a grant is not controlled by other words less clear and distinct.

SEC. 236. A new section is hereby added to said code, to be numbered ten hundred and ninety-six, and to read as follows:

Section 1096. Any person in whom the title of real estate is vested, who shall afterwards, from any cause, have his or her name changed, must, in any conveyance of said real estate so held, set forth the name in which he or she derived title to said real estate.

SEC. 237. Section eleven hundred and six of said code is hereby amended to read as follows:

Section 1106. Where a person purports by proper instrument to convey real property, without expressly restricting the conveyance to any particular interest therein, and subsequently acquires any title or claim of title thereto, the same passes by operation of law to the grantee, or his successors.

SEC. 238. Section eleven hundred and forty-nine of said code is hereby amended to read as follows:

Section 1149. A gift in view of death is one which is made in contemplation of death, and with intent that it shall take effect only in case of the death of the giver. Such a gift must be evidenced by an instrument in writing subscribed by the donor.

SEC. 239. Section eleven hundred and sixty-one of said code is hereby amended to read as follows:

Section 1161. Before an instrument can be recorded, unless it belongs to the class provided for in either section eleven hundred and fifty-nine, eleven hundred and sixty, twelve hundred and two, or twelve hundred and three, its execution must be acknowledged by the person executing it, or if executed by a corporation, by the person executing the same on behalf of the corporation, or proved by a subscribing witness, or as provided in sections eleven hundred and ninety-eight and eleven hundred and ninety-nine, and the acknowledgment or proof certified in the manner prescribed by article three of this chapter.

SEC. 240. Section eleven hundred and eighty-one of said code is hereby amended to read as follows:

Section 1181. The proof or acknowledgment of an instrument may be made in this state, within the city, county, or township for which the officer was elected or appointed, before either:

1. A clerk of a court of record;
2. A county recorder;
3. A court commissioner;
4. A notary public;
5. A justice of the peace.

SEC. 241. Section eleven hundred and eighty-five of said code is hereby amended to read as follows:

Section 1185. The acknowledgment of an instrument must not be taken, unless the officer taking it knows or has satisfactory evidence, on the oath or affirmation of a credible witness, that the person making such acknowledgment is the individual who is described in and who executed the instrument; or, if executed by a corporation, that the person making such acknowledgment is the person who executed it on behalf of such corporation.

SEC. 242. Section eleven hundred and eighty-nine of said code is hereby amended to read as follows:

Section 1189. The certificate of acknowledgment, unless it is otherwise in this article provided, must be substantially in the following form:

"State of ———, }
County of ———, } ss.

"On this ——— day of ———, in the year ———, before me (here insert name and quality of the officer), personally appeared ———, known to me (or proved to me on the

oath of —) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she or they) executed the same."

Provided, however, that any acknowledgment taken without this state in accordance with the laws of the place where the acknowledgment is made, shall be sufficient in this state; *and provided further,* that the certificate of the clerk of a court of record of the county or district where such acknowledgment is taken, that the officer certifying to the same is authorized by law so to do, and that the signature of the said officer to such certificate is his true and genuine signature, and that such acknowledgment is taken in accordance with the laws of the place where the same is made, shall be prima facie evidence of the facts stated in the certificate of said clerk.

SEC. 243. Section eleven hundred and ninety of said code is hereby amended to read as follows:

Section 1190. The certificate of acknowledgment of an instrument executed by a corporation must be substantially in the following form:

"State of —, }
County of —, } ss.

"On this — day of —, in the year —, before me (here insert the name and quality of the officer), personally appeared —, known to me (or proved to me on the oath of —) to be the person (or officer) who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same."

SEC. 244. Section eleven hundred and ninety-three of said code is hereby amended to read as follows:

Section 1193. Officers taking and certifying acknowledgments or proof of instruments for record, must authenticate their certificates by affixing thereto their signatures, also their seals of office, if by the laws of the state or country where the acknowledgment or proof is taken, or by authority of which they are acting, they are required to have official seals.

SEC. 245. Section twelve hundred and two of said code is hereby amended to read as follows:

Section 1202. When the acknowledgment or proof of the execution of an instrument is properly made, but defectively certified, any party interested may have an action in the superior court to obtain a judgment correcting the certificate.

SEC. 246. Section twelve hundred and three of said code is hereby amended to read as follows:

Section 1203. Any person interested under an instrument entitled to be proved for record, may institute an action in the superior court against the proper parties to obtain a judgment proving such instrument.

SEC. 247. Section twelve hundred and seven of said code is hereby amended to read as follows:

Section 1207. Any instrument affecting real property, which was, previous to the first day of January, one thousand eight hundred and ninety-seven, copied into the proper book of record, kept in the office of any county recorder, imparts, after that date, notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or incumbrancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded; *provided*, when such copying in the proper book of record occurred within fifteen years prior to the trial of the action, it is first shown that the original instrument was genuine.

SEC. 248. A new section is hereby added to said code, to be numbered twelve hundred and eighteen, and to read as follows:

Section 1218. A certified copy of an instrument affecting the title to real property once recorded may be recorded in any other county, and, when so recorded, the record thereof has the same force and effect as though it was of the original instrument.

SEC. 249. Section twelve hundred and thirty-seven of said code is hereby amended to read as follows:

Section 1237. The homestead consists of the interest of the claimant, divided or undivided, in the dwelling-house in which the claimant resides, and in the land on which the same is situated, selected as in this title provided, or set apart in the administration of the estate of a deceased, insolvent, or bankrupt person.

SEC. 250. A new section is hereby added to said code, to be numbered twelve hundred and thirty-seven a, and to read as follows:

Section 1237a. The provisions of this title apply to homesteads heretofore, as well as those hereafter, selected; but do not prevent any owner of an undivided interest, otherwise entitled to partition, from maintaining proceedings for such partition, or for a sale in case partition cannot be had.

SEC. 251. A new section is hereby added to said code, to be numbered twelve hundred and thirty-seven b, and to read as follows:

Section 1237b. In case of the partition of the land so held in undivided interests, the portion allotted to the claimant of a homestead upon an undivided interest is protected as a homestead in favor of such claimant, to the extent of the value of a legal homestead; and in case of the sale of the land so held in common, the proceeds of the undivided interest of the homestead claimant are exempt from execution to the extent of the character of the homestead so declared.

Sec. 252. Section twelve hundred and forty of said code is hereby amended to read as follows:

Section 1240. The homestead is exempt from execution except as in this title provided.

Sec. 253. Section twelve hundred and forty-three of said code is hereby amended to read as follows:

Section 1243. A homestead can be abandoned only by a declaration of abandonment, or a grant thereof executed and acknowledged, or by a subsequent declaration of homestead, duly executed and acknowledged:

1. By the husband and wife, if the claimant is married;
2. By the claimant, if unmarried.

Sec. 254. Section twelve hundred and forty-five of said code is hereby amended to read as follows:

Section 1245. When, in a case not within the classes enumerated in section twelve hundred and forty-one, a judgment has been docketed against the homestead claimant, and an execution for its enforcement has been levied upon the homestead, or the issuance of such execution is prohibited by any bankruptcy or insolvency law, the execution creditor, or the trustee or assignee in bankruptcy or insolvency, as the case may be, may apply to the superior court of the county in which the homestead is situated for the appointment of persons to appraise the value thereof.

Sec. 255. Section twelve hundred and forty-six of said code is hereby amended to read as follows:

Section 1246. The application must be made upon a verified petition showing:

1. The fact that a judgment has been docketed against the homestead claimant, stating the amount due thereon, and that an execution thereon has been levied upon the homestead, or that the issuance or levy of such execution is prohibited by some bankruptcy or insolvency law;

2. The name of the claimant;

3. That the value of the homestead exceeds the amount of the homestead exemption.

Sec. 256. Section twelve hundred and forty-seven of said code is hereby amended to read as follows:

Section 1247. The petition must be filed with the clerk of the superior court, and an order be made by the judge fixing the time and place for the hearing thereof.

Sec. 257. Section twelve hundred and forty-eight of said code is hereby amended to read as follows:

Section 1248. A copy of the petition and of the order of the judge must be served on the claimant at least ten days prior to the time designated in such order for the hearing, unless he is absent from, or cannot be found within, the county, in which event such copies may be left with any adult person found residing on the homestead premises, and if no such person can be found there, then by mailing such copies to the claimant at his last known postoffice address.

Sec. 258. Section twelve hundred and forty-nine of said code is hereby amended to read as follows:

Section 1249. At the hearing, the court, upon proof of the service of a copy of the petition and order, and proof of the matters stated in subdivision one of section twelve hundred and forty-six, must appoint three disinterested residents of the county to appraise the value of the homestead.

Sec. 259. Section twelve hundred and fifty-two of said code is hereby amended to read as follows:

Section 1252. Within fifteen days after their appointment they must make to the court a report in writing, which report must show the appraised value and their determination upon the matter of a division of the land claimed.

Sec. 260. Section twelve hundred and fifty-three of said code is hereby amended to read as follows:

Section 1253. If it appears to the court that the land claimed can be divided without material injury, it must, by an order, direct the appraisers to set off to the claimant so much of the land, including the residence, as will, after deducting the amount of all liens remaining thereon which existed when the declaration of homestead was filed for record, amount in value to the homestead exemption, and the judgement may be enforced against the remainder of the land.

Sec. 261. Section twelve hundred and fifty-four of said code is hereby amended to read as follows:

Section 1254. If it appears to the court that the land claimed exceeds in value the amount of the homestead exemption, after deducting the amount of all liens remaining thereon which existed when the declaration was filed for record, and that it cannot be divided, the court must make an order directing its sale.

Sec. 262. Section twelve hundred and fifty-six of said code is hereby amended to read as follows:

Section 1256. If the sale is made, the proceeds thereof, to the amount of the homestead exemption, must be paid to the claimant, and the balance applied as directed by the court.

Sec. 263. Section twelve hundred and sixty-three of said code is hereby amended to read as follows:

Section 1263. The declaration of homestead must contain:

1. A statement, showing that the person making it is the head of a family, and, if the claimant is married, the name of the spouse; or, when the declaration is made by the

wife, showing that her husband has not made such declaration, and that she therefore makes the declaration for their joint benefit;

2. A statement that the person making it is residing on the premises, and claims them as a homestead;

3. A description of the premises;

4. An estimate of their actual cash value.

SEC. 264. Section twelve hundred and sixty-six of said code is hereby amended to read as follows:

Section 1266. Any person other than the head of a family, must, in the selection of a homestead, execute, acknowledge, and cause to be recorded, in the same manner that a grant of real property is executed, acknowledged, and recorded, a declaration of homestead containing everything required by the second, third, and fourth subdivisions of section twelve hundred and sixty-three. From the filing of such declaration for record, the land described therein is a homestead.

SEC. 265. A new section is hereby added to said code, to be numbered twelve hundred and sixty-seven, to read as follows:

Section 1267. In case of a homestead, if either the husband or wife becomes hopelessly insane, the husband or wife not insane may petition the superior court of the county in which such homestead is situated for an order permitting the husband or wife, not insane, to sell and convey, or mortgage, such homestead to raise moneys to satisfy a lien or charge thereon, or to provide for the support and care either of the sane or insane spouse, or of their minor children. Such petition must be subscribed and sworn to by the applicant, setting forth the name and age of the insane husband or wife; the number, age, and sex of the children, if any, of such insane husband or wife; a description of the premises constituting the homestead; the value of the same; the county in which it is situated; and such facts, in addition to that of the insanity of the husband or wife, relating to the circumstances and necessities of the applicant and his or her family, as he or she may rely upon in support of the petition.

SEC. 266. A new section is hereby added to said code, to be numbered twelve hundred and sixty-eight, to read as follows:

Section 1268. Notice of the application for such order must be given by publication of the same, in a newspaper published in the county in which such homestead is situated, if there is a newspaper published therein, once each week for three successive weeks, prior to the hearing of such application, and a copy of such notice must also be personally served upon the nearest male relative of such insane husband or wife, resident in this state, at least three weeks prior to such application; and in case there is no such male relative known to the applicant, a copy of such notice must be so served upon the public administrator of the county in which such homestead is situated; and in such case it is the duty of such public administrator to appear and represent the interests of such insane person. For all such services rendered by the public administrator he must be allowed a reasonable fee, to be fixed by the court, and the same must be taxed as costs against the person making application for the order herein provided for.

SEC. 267. A new section is hereby added to said code, to be numbered twelve hundred and sixty-nine, to read as follows:

Section 1269. If it appears to the court that such husband or wife is hopelessly insane, the court may make an order permitting the husband or wife, not insane, to sell and convey, or mortgage, such homestead, and thereafter any sale, conveyance, or mortgage made in pursuance of such order is as valid and effectual as if the property affected thereby was the absolute property of the person making such sale, conveyance, or mortgage. If a sale is ordered it must be reported to and confirmed by the court. Such husband or wife must, before executing any mortgage or conveyance, give a bond, to be approved by the judge of the court, in double the amount of the mortgage, or double the value of the property to be sold, conditioned to account for the proceeds of the mortgage or sale and to apply such proceeds only as the court may direct.

SEC. 268. Section twelve hundred and seventy-five of said code is hereby amended to read as follows:

Section 1275. A testamentary disposition may be made to any person capable by law of taking the property so disposed of, except that corporations other than counties, municipal corporations, and corporations formed for scientific, literary, or solely educational or religious purposes, cannot take under a will unless expressly authorized by statute.

SEC. 269. Section twelve hundred and seventy-six of said code is hereby amended to read as follows:

Section 1276. Every will, other than a nuncupative will, must be in writing; and every will, other than an olographic will and a nuncupative will, must be executed and attested as follows:

1. It must be subscribed at the end thereof by the testator himself, or some person in his presence and by his direction must subscribe his name thereto;

2. The subscription must be made in the presence of the attesting witnesses, or be acknowledged by the testator to them to have been made by him or by his authority;

3. The testator must, at the time of subscribing or acknowledging the same, declare to the attesting witnesses that the instrument is his will; and,

4. There must be two attesting witnesses, each of whom must sign the same as a witness, at the end of the will, at the testator's request and in his presence.

SEC. 270. Section twelve hundred and eighty-five of said code is hereby amended to read as follows:

Section 1285. No will made out of this state is valid as a will in this state, unless

executed according to the provisions of this chapter, except that a will made in a state or country in which the testator is domiciled at the time of his death, and valid as a will under the laws of such state or country, is valid in this state so far as the same relates to personal property; subject, however, to the provisions of section thirteen hundred and thirteen.

Sec. 271. Section thirteen hundred of said code is hereby amended to read as follows:

Section 1300. A will, executed by a woman, is revoked by her subsequent marriage, and is not revived by the death of her husband.

Sec. 272. Section thirteen hundred and six of said code is hereby amended to read as follows:

Section 1306. Whenever a testator has a child born after the making of his will, either in his lifetime or after his death, and dies leaving such child unprovided for by any settlement, and neither provided for nor in any way mentioned in his will, the child succeeds to the same portion of the testator's real and personal property that he would have succeeded to if the testator had died intestate. But such succession does not impair or affect the validity of any sale of property made by authority of such will in accordance with the provisions of section fifteen hundred and sixty-one of the Code of Civil Procedure.

Sec. 273. Section thirteen hundred and seven of said code is hereby amended to read as follows:

Section 1307. When any testator omits to provide in his will for any of his children, or for the issue of any deceased child, unless it appears that such omission was intentional, such child, or the issue of such child, has the same share in the estate of the testator as if he had died intestate, and succeeds thereto as provided in the preceding section. But such succession does not impair or affect the validity of any sale of property made by authority of such will in accordance with the provisions of section fifteen hundred and sixty-one of the Code of Civil Procedure.

Sec. 274. A new section is hereby added to said code, to be numbered thirteen hundred and fourteen, and to read as follows:

Section 1314. No person who has been convicted of the murder of the testator is entitled to any property devised or bequeathed to him by the will, but such devise or legacy lapses, and goes to such other persons as may thereby become entitled thereto.

Sec. 275. Section thirteen hundred and twenty-six of said code is hereby amended to read as follows:

Section 1326. Of two modes of interpreting a will, that is to be preferred which prevents a total or partial intestacy.

Sec. 276. Section thirteen hundred and twenty-seven of said code is hereby amended to read as follows:

Section 1327. Technical words in a will are to be taken in their technical sense, unless the context clearly indicates a contrary intention, or unless it satisfactorily appears that the will was drawn solely by the testator, and that he was unacquainted with such technical sense.

Sec. 277. Section thirteen hundred and forty-three of said code is hereby amended to read as follows:

Section 1343. If a devisee or legatee dies during the lifetime of the testator, the testamentary disposition to him fails, unless an intention appears to substitute some other in his place, except as provided in section thirteen hundred and ten. But if such devisee or legatee is one of several residuary devisees or legatees, such disposition vests in the survivors, unless a contrary intention clearly appears.

Sec. 278. Section thirteen hundred and sixty of said code is hereby amended to read as follows:

Section 1360. The property of a testator, except as otherwise specially provided in this Code and the Code of Civil Procedure, must be resorted to for the payment of legacies, in the following order:

1. The property which is expressly appropriated by the will for the payment of the legacies;

2. Property not disposed of by the will;

3. Property which is devised or bequeathed to a residuary legatee;

4. Property which is not specifically devised or bequeathed.

Sec. 279. Section thirteen hundred and sixty-four of said code is hereby amended to read as follows:

Section 1364. The rights of a purchaser or incumbrancer of real property, in good faith and for value, derived from any person claiming the same by succession, are not impaired by any devise made by the decedent from whom succession is claimed, unless within four years after the deviser's death, the instrument containing such devise is duly proved as a will, and recorded in the office of the clerk of the superior court having jurisdiction thereof, or written notice of such devise is filed with the clerk of the county where the real property is situated.

Sec. 280. Section thirteen hundred and seventy-six of said code is hereby amended to read as follows:

Section 1376. The validity and interpretation of wills, wherever made, are governed when relating to property within this state, by the law of this state, except as provided in section twelve hundred and eighty-five.

Sec. 281. Section thirteen hundred and eighty-six of said code is hereby amended to read as follows:

Section 1386. When any person having title to any estate not otherwise limited by

marriage contract, dies without disposing thereof by will, it is succeeded to and must be distributed, unless otherwise expressly provided in this Code and the Code of Civil Procedure, subject to the payment of his debts, in the following manner:

1. If the decedent leaves a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the surviving husband, or wife and child, or issue of such child. If the decedent leaves a surviving husband or wife, and more than one child living, or one child living and the lawful issue of one or more deceased children, one third to the surviving husband or wife, and the remainder in equal shares to his children and to the lawful issue of any deceased child by right of representation; but if there is no child of decedent living at his death, the remainder goes to all of his lineal descendants; and if all of the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation. If the decedent leaves no surviving husband or wife, but leaves issue, the whole estate goes to such issue; and if such issue consists of more than one child living, or one child living and the lawful issue of one or more deceased children, then the estate goes in equal shares to the children living, or to the child living and the issue of the deceased child or children by right of representation;

2. If the decedent leaves no issue, the estate goes one half to the surviving husband or wife, and the other to the decedent's father and mother in equal shares, and if either is dead the whole of said half goes to the other. If there is no father or mother, then one half goes in equal shares to the brothers and sisters of decedent and to the children or grandchildren of any deceased brother or sister by right of representation. If the decedent leaves no issue, nor husband nor wife, the estate must go to his father and mother in equal shares, or if either is dead then to the other;

3. If there is neither issue, husband, wife, father, nor mother, then in equal shares to the brothers and sisters of decedent and to the children or grandchildren of any deceased brother or sister by right of representation;

4. If the decedent leaves a surviving husband or wife, and neither issue, father, mother, brother, sister, nor the children or grandchildren of a deceased brother or sister, the whole estate goes to the surviving husband or wife;

5. If the decedent leaves neither issue, husband, wife, father, mother, brother, nor sister, the estate must go to the next of kin, in equal degree, excepting that, when there are two or more collateral kindred, in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor must be preferred to those claiming through an ancestor more remote;

6. If the decedent leaves several children, or one child and the issue of one or more children, and any such surviving child dies under age, and not having been married, all the estate that came to the deceased child by inheritance from such decedent descends in equal shares to the other children of the same parent and to the issue of any such other children who are dead, by right of representation;

7. If, at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them has left issue, the estate that came to such child by inheritance from his parent descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation.

8. If the decedent is a widow or widower, and leaves no kindred, and the estate or any portion thereof was common property of such decedent and his or her deceased spouse, while such spouse was living, such common property goes to the children of such deceased spouse and the descendants thereof, and if none, then to the father of such deceased spouse, or if he is dead, to the mother. If there is no father nor mother, then such property goes to the brothers and sisters of such deceased spouse in equal shares, and to the lawful issue of any deceased brother or sister of such deceased spouse by right of representation;

9. If the decedent leaves no husband, wife, or kindred, and there are no heirs to take his estate or any portion thereof, under subdivision eight of this section, the same escheats to the state for the support of the common schools.

SEC. 282. Section thirteen hundred and eighty-seven of said code is hereby amended to read as follows:

Section 1387. 1. Every illegitimate child legitimated by the subsequent marriage of its parents, succeeds to the estates of its parents and of the kindred of each of them in the same manner as if born in lawful wedlock. Such child is also an heir of the legitimate children of its parents.

2. Every illegitimate child adopted as provided by section two hundred and thirty succeeds to the estates of its parents and such child is also an heir of the legitimate children of its parents and of the legitimate children of the father acknowledging it; but such child does not represent his father or mother by inheriting any part of the estate of his or her kindred, either lineal or collateral;

3. Every other illegitimate child is an heir of its mother in all cases, but such child does not represent his mother by inheriting any part of the estate of her kindred, either lineal or collateral.

SEC. 283. Section thirteen hundred and eighty-eight of said code is hereby amended to read as follows:

Section 1388. The estate of an illegitimate child, who has been legitimated by the subsequent marriage of its parents, or adopted by the father as provided by section two hundred and thirty, and who dies intestate, is succeeded to as if he were born in lawful

wedlock. If such child has not been so legitimated or adopted, his estate goes to his lawful issue, or, if he leaves no issue, to his mother, or in case of her decease, to her heirs at law.

SEC. 284. Section thirteen hundred and ninety-five of said code is hereby amended to read as follows:

Section 1395. Any estate, real or personal, given by the decedent in his lifetime as an advancement to any child, or other heir, is a part of the estate of the decedent for the purposes of division and distribution thereof among his heirs, and must be taken by such child, or other heir, toward his share of the estate of the decedent.

SEC. 285. Section thirteen hundred and ninety-nine of said code is hereby amended to read as follows:

Section 1399. If any child, or other heir receiving advancement, dies before the decedent, leaving heirs, the advancement must be taken into consideration in the division and distribution of the estate, and the amount thereof must be allowed accordingly by the representatives of the heirs receiving the advancement, in like manner as if the advancement had been made directly to them.

SEC. 286. Section fourteen hundred and five of said code is hereby amended to read as follows:

Section 1405. When succession is not claimed as provided in the preceding section, the superior court, on information, must direct the attorney-general to reduce the property to his possession or that of the state, or to cause it to be sold, and it or its proceeds to be deposited in the state treasury for the benefit of the person entitled thereto, to be paid to him, if, within five years after such deposit, he appears in the court in which such information was filed and asks for a judgment or order entitling him thereto.

SEC. 287. Section fourteen hundred and six of said code is hereby amended to read as follows:

Section 1406. When such judgment or order is obtained, a certified copy thereof must be filed with the state treasurer as his voucher. Thereupon the property must be delivered, or the proceeds paid, to the claimant, on filing his receipt therefor. If no one succeeds to the estate or the proceeds, as herein provided, the property of the decedent devolves and escheats to the people of the state, and must be placed by the state treasurer to the credit of the school fund.

SEC. 288. A new section is hereby added to said code, to be numbered fourteen hundred and nine, and to read as follows:

Section 1409. No person who has been convicted of the murder of the decedent shall be entitled to succeed to any portion of his estate; but the portion thereof to which he would otherwise be entitled to succeed descends to the other persons entitled thereto under the provisions of this title.

SEC. 289. A new section is hereby added to said code, to be numbered fourteen hundred and sixty-eight, and to read as follows:

Section 1468. A covenant made by the owner of land with the owner of other land to do or refrain from doing some act on his own land, which doing or refraining is expressed to be for the benefit of the land of the covenantee, and which is made by the covenantor expressly for his assigns or to the assigns of the covenantee, runs with both of such parcels of land.

SEC. 290. Section fourteen hundred and seventy-three of said code is hereby amended to read as follows:

Section 1473. Full performance of an obligation by the party whose duty it is to perform it, or by any other person on his behalf and with his assent and that of the creditor, extinguishes it.

SEC. 291. Section fourteen hundred and seventy-nine of said code is hereby amended to read as follows:

Section 1479. Where a debtor, under several obligations to another, does an act, by way of performance, in whole or in part, which is equally applicable to two or more of such obligations, such performance must be applied as follows:

1. If, at the time of performance, the intention or desire of the debtor that such performance should be applied to the extinction of any particular obligation, is manifested to the creditor, it must be so applied;

2. If the intention or desire of the debtor is not so manifested, the performance must be applied to the extinction of obligations in the following order; and, if there is more than one obligation of a particular class, to the extinction of all in that class, ratably:

- (1) Of interest due at the time of the performance;
- (2) Of principal due at that time;
- (3) Of the obligation earliest in date of maturity;
- (4) Of an obligation not secured by a lien or collateral undertaking;
- (5) Of an obligation secured by a lien or collateral undertaking.

If similar obligations are due to the creditor, some of them to him individually and some of them to him as a trustee, the performance must, unless otherwise directed by the debtor, be first applied to those due to the creditor as a trustee.

SEC. 292. Section sixteen hundred and twenty-four of said code is hereby amended to read as follows:

Section 1624. The following contracts are invalid, unless the same, or some note or memorandum thereof, is in writing and subscribed by the party to be charged, or by his agent:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in section twenty-seven hundred and ninety-four;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the sale of goods, chattels, or things in action, at a price not less than two hundred dollars, unless the buyer accepts or receives part of such goods and chattels or the evidences, or some of them, of such things in action, or pays at the time some part of the purchase money; but when a sale is made at auction, an entry by the auctioneer in his sale book, at the time of the sale, of the kind of property sold, the terms of the sale, the price, and the names of the purchaser and person on whose account the sale is made, is a sufficient memorandum;

5. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

6. An agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission;

7. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will.

SEC. 293. Section sixteen hundred and twenty-five of said code is hereby amended to read as follows:

Section 1625. The execution of a contract in writing, whether the law requires it to be written or not, supersedes all the negotiations or stipulations concerning its matter which preceded or accompanied the execution of the instrument.

SEC. 294. Section sixteen hundred and ninety-one of said code is hereby amended to read as follows:

Section 1691. Rescission, when not effected by consent or by the judgment of a court, as provided in section thirty-four hundred and six, can be accomplished only by the use, on the part of the party rescinding, of reasonable diligence to comply with the following rules:

1. He must rescind promptly, upon discovering the facts which entitle him to rescind, if he is free from duress, menace, undue influence, or disability, and is aware of his right to rescind; and,

2. He must restore to the other party everything of value which he has received from him under the contract; or must offer to restore the same, upon condition that such party shall do likewise, unless the latter is unable or positively refuses to do so.

SEC. 295. Section seventeen hundred and fifteen of said code is hereby amended to read as follows:

Section 1715. If a guardian, tenant for life or years, joint tenant, or tenant in common of real property, commits waste thereon, any person aggrieved by the waste may bring an action against him therefor, in which action there may be judgment for treble damages.

SEC. 296. A new section is hereby added to said code, to be numbered seventeen hundred and sixteen, and to read as follows:

Section 1716. Any person who cuts down or carries off any wood or underwood, tree or timber, or girdles or otherwise injures any tree or timber on the land of another person, or on the street or highway in front of any person's house, village or city lot, or cultivated grounds; or on the commons or public grounds of any city or town, or on the street or highway in front thereof, without lawful authority, is liable to the owner of such land, or to such city or town, for treble the amount of damages which may be assessed therefor, in a civil action, in any court having jurisdiction.

SEC. 297. A new section is hereby added to said code, to be numbered seventeen hundred and seventeen, and to read as follows:

Section 1717. Nothing in the last section authorizes the recovery of more than the just value of the timber taken from uncultivated woodland, for the repair of a public highway or bridge upon the land, or adjoining it.

SEC. 298. A new section is hereby added to said code, to be numbered seventeen hundred and seventy-nine, and to read as follows:

Section 1779. The buyer may by agreement in writing, waive any of the warranties provided for in this chapter, except that specified in section seventeen hundred and seventy-five; and an express warranty in writing, given by the seller and accepted by the buyer, excludes all other warranties, express or implied, except that specified in section seventeen hundred and seventy-five.

SEC. 299. A new section is hereby added to said code, to be numbered eighteen hundred and fifty-eight, and to read as follows:

Section 1858. A warehouseman, wharfinger, or other person doing a storage business must not issue any receipt or voucher for any merchandise, grain, or other product or thing of value, to any person purporting to be the owner thereof, nor to any person as security for any indebtedness or for the performance of any obligation, unless such merchandise, grain, or other product commodity, or thing has been, in good faith, received by such warehouseman, wharfinger, or other person, and is in his store or under his control at the time of issuing his receipt; nor must any second receipt for any such property be issued while a former receipt for any part thereof is outstanding and uncanceled.

SEC. 300. A new section is hereby added to said code, to be numbered eighteen hundred and fifty-eight *a*, and to read as follows:

Section 1858*a*. No warehouseman, wharfinger, or other person must sell or incurber, ship, transfer, or remove beyond his control any property for which a receipt has been given, without the consent in writing of the person holding such receipt plainly indorsed thereon in ink.

SEC. 301. A new section is hereby added to said code, to be numbered eighteen hundred and fifty-eight *b*, and to read as follows:

Section 1858*b*. Warehouse receipts for property stored are of two classes: first, transferable or negotiable; and second, non-transferable or non-negotiable. Under the first of these classes the property is transferable by indorsement of the party to whose order such receipt was issued, and such indorsement is a valid transfer of the property represented by the receipt, and may be in blank or to the order of another. All warehouse receipts must distinctly state on their face for what they are issued and its brands and distinguishing marks, and the rate of storage per month or season, and, in the case of grain, the kind, the number of sacks, and pounds. If a receipt is not negotiable, it must have printed across its face, in red ink, in bold, distinct letters, the word "non-negotiable."

SEC. 302. A new section is hereby added to said code, to be numbered eighteen hundred and fifty-eight *c*, and to read as follows:

Section 1858*c*. If a negotiable receipt is issued for any property, neither the person issuing it nor any other person into whose care or control the property comes must deliver any part thereof without indorsing on the back of the receipt, in ink, the amount and date of the delivery; nor can he be allowed to make any offset, claim, or demand other than is expressed on the face of the receipt, when called upon to deliver any property for which it was issued.

SEC. 303. A new section is hereby added to said code, to be numbered eighteen hundred and fifty-eight *d*, and to read as follows:

Section 1858*d*. If a non-negotiable receipt is issued for any property, neither the person issuing nor any other person in whose care or control the property comes must deliver any part thereof, except upon the written order of the person to whom the receipt was issued.

SEC. 304. A new section is hereby added to said code, to be numbered eighteen hundred and fifty-eight *e*, and to read as follows:

Section 1858*e*. No warehouseman or other person doing a general storage business is responsible for any loss or damage to property by fire while in his custody, if he exercises reasonable care and diligence for its protection and preservation.

SEC. 305. A new section is hereby added to said code, to be numbered eighteen hundred and fifty-eight *f*, and to read as follows:

Section 1858*f*. Every warehouseman, wharfinger, or other person who violates any of the provisions of sections eighteen hundred and fifty-eight to eighteen hundred and fifty-eight *e*, inclusive, is guilty of a felony, and, upon conviction thereof, may be fined in a sum not exceeding five thousand dollars, or imprisoned in the state prison not exceeding five years, or both. He is also liable to any person aggrieved by such violation for all damages, immediate or consequent, which he may have sustained therefrom, which damages may be recovered by a civil action in any court of competent jurisdiction, whether the offender has been convicted or not.

SEC. 306. Section eighteen hundred and sixty-three of said code is hereby amended to read as follows:

Section 1863. Every keeper of a hotel, inn, boarding or lodging-house, must post, in a conspicuous place in the office, or public room, and in every bedroom of said hotel, boarding-house, inn, or lodging-house, a printed copy of this section, and a statement of the charge, or rate of charges, by the day, and for meals or items furnished, and for lodging. No charge or sum must be collected or received by any such person for any service not actually rendered, or for any item not actually delivered, or for any greater or other sum than is stated in such posted notice, nor than he is entitled to by the general rules and regulations of said hotel, inn, boarding or lodging-house. For any violation of this section, or of any provision herein contained, the offender forfeits to the injured party three times the amount of the sum charged in excess of what he is entitled to.

SEC. 307. Section eighteen hundred and sixty-five of said code is hereby amended to read as follows:

Section 1865. If the finder of a thing, other than a domestic animal, takes possession thereof, or if a person saves any such animal from drowning or starvation, he must, within a reasonable time, inform the owner thereof, if known, and make restitution to him upon demand, without compensation, except a reasonable charge for saving and caring therefor. If the owner is not known to such finder or saver, he must, within five days, file an affidavit with the justice of the peace of the county whose office is nearest to the place of such finding or saving, particularly describing the property and the time, place, and circumstances under which it was found or saved. Such justice must then summon three disinterested persons to appraise the property. They, or a majority of them, must make two lists of the valuation and description of the property, by them verified, and deliver one of such lists to the justice of the peace, to be kept by him on file in his office, and the other list must be delivered to such finder or saver, who must, within five days thereafter, cause it to be filed for record in the office of the county recorder of the county, who must record it in a book known as the "Estray and Lost Property Book."

SEC. 308. Section eighteen hundred and seventy-one of said code is hereby amended to read as follows:

Section 1871. If no owner appears within six months after such finding or saving and offers reasonable proof of his ownership, and compensates, or in good faith offers to compensate, the finder or saver for the expense necessarily incurred by him, then such property vests in such finder or saver, unless it is of greater value than twenty dollars. If of such greater value, he must publish a copy of such verified list for three successive weeks in some newspaper of general circulation published in the county, and if the owner does not, within one year after the completion of such publication, prove the property and pay, or in good faith offer to pay, all charges thereon, the title thereto vests in such finder or saver. If the finder or saver of property does not comply with the provisions of section eighteen hundred and sixty-five, or if, though he does so comply, he refuses to surrender the property to an owner who has made reasonable proof of ownership, and paid, or in good faith offered to pay, all legal charges thereon, he is liable to the owner for double the value of the property, and the owner may exonerate himself from all liability arising out of such property by surrendering, or offering to surrender, it in satisfaction thereof.

SEC. 309. Section nineteen hundred and twenty-nine of said code is hereby amended to read as follows:

Section 1929. The hirer of a thing must repair all deteriorations or injuries thereto occasioned by his want of ordinary care.

SEC. 310. Section nineteen hundred and thirty of said code is hereby amended to read as follows:

Section 1930. When a thing is let for a particular purpose the hirer must not use it for any other purpose; and if he does, he is liable to the letter for all damages resulting from such use, or the letter may treat the contract as thereby rescinded.

SEC. 311. Section nineteen hundred and thirty-two of said code is hereby amended to read as follows:

Section 1932. The hirer of a thing may terminate the hiring before the end of the term agreed upon:

1. When the letter does not, within a reasonable time after request, fulfill his obligations, if any, as to placing and securing the hirer in the quiet possession of the thing hired, or putting it into good condition, or repairing; or,

2. When the greater part of the thing hired, or that part which was and which the letter had at the time of the hiring reason to believe was the material inducement to the hirer to enter into the contract, perishes from any other cause than the want of ordinary care of the hirer.

SEC. 312. Section nineteen hundred and sixty-five of said code is hereby amended to read as follows:

Section 1965. The contract of employment is one by which a person, called an employer, engages another, called an employé, to do something.

SEC. 313. Section nineteen hundred and eighty of said code is hereby amended to read as follows:

Section 1980. A contract to render personal service, other than a contract of service provided for in title four, part three, of division first of this code, cannot be enforced as against the employé beyond the term of two years from the commencement of service under it; but if the employé voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

SEC. 314. Section nineteen hundred and ninety of said code is hereby amended to read as follows:

Section 1990. An employé who is guilty of negligence is liable to his employer for the damage thereby caused to the latter; and the employer is liable to him, if the service is not gratuitous, for the value of such services only as are properly rendered.

SEC. 315. Section nineteen hundred and ninety-six of said code is hereby amended to read as follows:

Section 1996. Every employment in which the power of the employé is not coupled with an interest in its subject is terminated by notice to him of:

1. The death of the employer; or,
2. His legal incapacity to contract.

The parties to a contract of employment may, however, in writing, provide that it shall, notwithstanding the death of the employer, continue obligatory for and against his heirs and personal representatives, provided their liability shall be restricted to property received from and under him.

SEC. 316. Section twenty hundred and seventy-nine of said code is hereby amended to read as follows:

Section 2079. Any person, other than the master, mate, or a seaman thereof, who rescues a ship, her appurtenances or cargo, from danger, is entitled to a reasonable compensation therefor, to be paid out of the property saved. He has a lien for such claim, which is regulated by the title on liens; but no claim for salvage, as such, can accrue against any vessel, or her freight or cargo, in favor of the owners, officers, or crew of another vessel belonging to the same owners; but the actual cost at the time of the services rendered by one such vessel to another, when in distress, is payable through a general average contribution on the property saved.

SEC. 317. Section twenty-one hundred and sixty-one of said code is hereby amended to read as follows:

Section 2161. A carrier of messages for reward, other than by telegraph or telephone, must deliver them at the place to which they are addressed, or to the person for whom they are intended. Such carrier, by telegraph or telephone, must deliver them at such place and to such person, provided the place of address, or the person for whom they are intended, is within a distance of two miles from the main office of the carrier in the city or town to which the messages are transmitted, and the carrier is not required, in making the delivery, to pay on his route toll or ferriage; but for any distance beyond one mile from such office, compensation may be charged for a messenger employed by the carrier.

SEC. 318. Section twenty-one hundred and seventy of said code is hereby amended to read as follows:

Section 2170. A common carrier must not give preference, in time, price, or otherwise, to one person over another.

SEC. 319. Section twenty-one hundred and seventy-two of said code is hereby amended to read as follows:

Section 2172. Every common carrier of passengers by railroad, or by vessel plying upon waters lying wholly within this state, must establish a schedule time for the starting of trains or vessels, from their respective stations or wharves, of which public notice shall be given, and must, weather permitting, except in case of accident or detention caused by connecting lines, start their said trains or vessels at or within ten minutes after the schedule time so established and notice given, under a penalty of two hundred and fifty dollars for each neglect so to do, to be recovered by action before any court of competent jurisdiction, upon complaint filed by the district attorney of the county in the name of the people, and paid into the common school fund of said county.

SEC. 320. Section twenty-one hundred and eighty of said code is hereby amended to read as follows:

Section 2180. A common carrier of persons, unless his vehicle is fitted for the reception of persons exclusively, must receive and carry a reasonable amount of baggage for each passenger without charge, except for an excess of weight over one hundred pounds to a passenger; if such carrier is a proprietor of a stage line, he need not receive and carry for each passenger by such stage line, without charge, more than sixty pounds of baggage.

SEC. 321. Section twenty-one hundred and ninety-five of said code is hereby amended to read as follows:

Section 2195. A common carrier is liable, even in the cases excepted by the last section, if his want of ordinary care exposes the property to the cause of the loss.

SEC. 322. Section twenty-two hundred and seven of said code is hereby amended to read as follows:

Section 2207. A carrier of messages by telegraph or telephone must, if it is practicable, transmit every such message immediately upon its receipt. But if this is not practicable, and several messages accumulate upon his hands, he must transmit them in the following order:

1. Messages from public agents of the United States or of this state, on public business;

2. Messages giving information relating to the sickness or death of any person;

3. Messages intended in good faith for immediate publication in newspapers, and not for any secret use;

4. Other messages in the order in which they are received.

SEC. 323. Section twenty-two hundred and eight of said code is hereby amended to read as follows:

Section 2208. A common carrier of messages, otherwise than by telegraph or telephone, must transmit messages in the order in which he receives them, except messages from agents of the United States or of this state, on public business, to which he must always give priority. But he may fix upon certain times for the simultaneous transmission of messages previously received.

SEC. 324. Section twenty-two hundred and thirty-six of said code is hereby amended to read as follows:

Section 2236. A trustee who wilfully and unnecessarily mingles the trust property with his own, so as to constitute himself in appearance its absolute owner, is liable for its safety in all events, and for the value of its use.

SEC. 325. A new section is hereby added to said code, to be numbered twenty-two hundred and forty-five, and to read as follows:

Section 2245. The provisions of sections eight hundred and fifty-nine and eight hundred and sixty-seven apply to trusts to receive the income of personal property and pay the same to or apply the same to the use of any person.

SEC. 326. Section twenty-three hundred and thirty-four of said code is hereby amended to read as follows:

Section 2334. A principal is bound by acts of his agent, under a merely ostensible authority, to those persons only who have in good faith, and without want of ordinary care, incurred a liability or parted with value, upon the faith thereof.

SEC. 327. Section twenty-four hundred and six of said code is hereby amended to read as follows:

Section 2406. Property, whether real or personal, acquired with partnership funds, is presumed to be partnership property. Real property thus acquired is deemed personal property so far as the liquidation of the partnership obligations is concerned, but no further.

SEC. 323. Section twenty-four hundred and fifty of said code is hereby amended to read as follows:

Section 2450. A general partnership is dissolved as to all of the partners:

1. By lapse of the time prescribed by agreement for its duration;
2. By the expressed will of any partner, if there is no such agreement;
3. By the death of a partner, unless otherwise expressly provided in writing by the agreement of partnership; in which case it is dissolved only as to the deceased partner;
4. By the transfer to a person, not a partner, of the interest of any partner in the partnership property;
5. By war, or the prohibition of commercial intercourse between the country in which one partner resides and that in which another resides; or,
6. By a judgment of dissolution.

SEC. 329. Section twenty-four hundred and sixty-one of said code is hereby amended to read as follows:

Section 2461. A partner authorized to act in liquidation may collect, compromise, or release any debt due to the partnership, pay or compromise any claim against it, and dispose of the partnership property, but he may not, without authority in writing for that purpose, dispose of real property of the partnership except for the payment of partnership obligations.

SEC. 330. Section twenty-four hundred and sixty-eight of said code is hereby amended to read as follows:

Section 2468. The certificate filed with the clerk as provided in section twenty-four hundred and sixty-six, must be signed by the partners, and acknowledged before some officer authorized to take the acknowledgment of conveyances of real property. Where the partnership is hereafter formed, the certificate must be filed, and the publication designated in that section must be made within one month after the formation of the partnership, or within one month from the time designated in the agreement of its members for the commencement of the partnership. Where the partnership has been heretofore formed, the certificate must be filed, and the publication made within six months after the passage of this amendment. Persons doing business as partners contrary to the provisions of this article shall not maintain any action upon or on account of any contracts made or transactions had in their partnership name, in any court of this state, until they have first filed the certificate and made the publication herein required, nor can any such action be maintained by any assignee or successor in interest of such partnership, unless its transfer or assignment was by operation of law, and not the act of the partnership.

SEC. 331. Section twenty-four hundred and eighty-nine of said code is hereby amended to read as follows:

Section 2489. Only the general partners have authority to transact the business of a special partnership.

SEC. 332. Section twenty-five hundred and forty-one of said code is hereby amended to read as follows:

Section 2541. Where a mortgagor of property effects insurance in his own name, providing that the loss shall be payable to the mortgagee, or assigns a policy of insurance to the mortgagee, the insurance is deemed to be upon the interest of the mortgagor, who does not cease to be a party to the original contract, and any act of his which would otherwise avoid the insurance will have the same effect, although the property is in the hands of the mortgagee, but any act which, under the contract of insurance, is to be performed by the mortgagor, may be performed by the mortgagee, with the same effect as if it had been performed by the mortgagor.

SEC. 333. Section twenty-seven hundred and eighty of said code is hereby repealed.

SEC. 334. Section twenty-seven hundred and eighty-one of said code is hereby repealed.

SEC. 335. A new section is hereby added to said code, to be numbered twenty-eight hundred and ninety-three, and to read as follows:

Section 2893. In every case in which personal property, other than an evidence of debt, is subject to a lien to secure a charge or obligation which is due, and such property is in possession of the lien holder, and no mode of enforcing the lien is provided by contract or by law, he may enforce it by selling at public auction so much of such property as may be necessary to satisfy the lien and the expenses of sale, in the manner and upon the notice to the public usual at the place, in respect to auction sales of similar property. If the owner of the property is known to the lien holder, a copy of the notice of sale must be mailed to him at his last known postoffice address, at such reasonable time before the sale as will enable him to attend.

SEC. 336. Section twenty-nine hundred and three of said code is hereby amended to read as follows:

Section 2903. Every person, having an interest in property subject to a lien, has a right to redeem it from the lien, at any time after the claim is due, and before his right of redemption is foreclosed, and, by such redemption, becomes subrogated to all the benefits of the lien, as against all owners of other interests in the property, except in so far as he was bound to make such redemption for their benefit.

SEC. 337. Section twenty-nine hundred and thirteen of said code is hereby amended to read as follows:

Section 2913. The voluntary restoration of property to its owner by the holder of a lien thereon dependent upon possession extinguishes the lien as to such property, unless otherwise agreed by the parties, and extinguishes it, notwithstanding any such agree-

ment, as to creditors of the owner and persons subsequently acquiring a title to the property, or a lien thereon, in good faith, and for value.

Sec. 338. Section twenty-nine hundred and thirty-six of said code is hereby amended to read as follows:

Section 2936. The assignment of a debt secured by mortgage carries with it the security. But such assignment does not affect the rights of any person having no actual notice thereof unless it is in writing, referring to the book and page of the record of the mortgage, and is acknowledged and recorded as provided in section twenty-nine hundred and thirty-four.

Sec. 339. Section twenty-nine hundred and fifty-nine of said code is hereby amended to read as follows:

Section 2959. A mortgage of personal property must be recorded in the office of the county recorder of the county in which the mortgagor resides, and within twenty days thereafter in the office of the recorder of every other county in which the mortgaged property is situate. When so recorded, it shall be deemed to have been recorded from the time it was filed for record in the office of the recorder of the county in which the mortgagor resides.

Sec. 340. Section twenty-nine hundred and sixty-eight of said code is hereby amended to read as follows:

Section 2968. Personal property mortgaged may be taken under attachment or execution issued at the suit of a creditor of the mortgagor, or sold to satisfy a junior mortgage or lien.

Sec. 341. Section twenty-nine hundred and sixty-nine of said code is hereby amended to read as follows:

Section 2969. Before the property is so taken or sold, the officer must pay or tender to the mortgagee the amount of the mortgage debt and interest, or must deposit the amount thereof with the county treasurer, payable to the order of the mortgagee.

Sec. 342. A new section is hereby added to said code, to be numbered twenty-nine hundred and seventy-three, and to read as follows:

Section 2973. Mortgages of personal property, other than that mentioned in section twenty-nine hundred and fifty-five, and mortgages not made in conformity with the provisions of this article, are nevertheless valid between the parties, their heirs, legatees, and personal representatives, and persons who, before parting with value, have actual notice thereof.

Sec. 343. Section thirty hundred and fifty-two of said code is hereby amended to read as follows:

Section 3052. A person who makes, alters, or repairs any article of personal property, at the request of the owner or legal possessor of the property, or while lawfully in possession thereof renders any service to the owner thereof, by labor or skill necessarily employed for the protection, safekeeping, or carriage thereof, has a lien upon the same, dependent upon possession, for his reasonable charges for work done and materials furnished, and may retain possession of the same until the charges are paid. If not paid within two months after the work is done or services rendered, the person may proceed to sell the property, or so much thereof as may be necessary to satisfy his demand, at public auction, by giving ten days' public notice of the sale by advertising in some newspaper published in the county in which the work was done; or, if there is no newspaper published in the county, then by posting notices of the sale in three of the most public places in the county where the work was done or services rendered for ten days previous to the sale. The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property; the remainder, if any, must be paid over to the owner thereof.

Sec. 344. Section thirty hundred and fifty-nine of said code is hereby repealed.

Sec. 345. Section thirty hundred and sixty of said code is hereby repealed.

Sec. 346. A new section is hereby added to said code, to be numbered thirty hundred and sixty-one, and to read as follows:

Section 3061. Every person performing work or labor in, with, about, or upon any threshing machine or engine, horse-power, wagon, or other appliance thereof, while engaged in threshing, has a lien thereon to the extent of the value of his services. Such lien extends for ten days after any such person ceases such work or labor; *provided*, within that time, an action is brought to recover the amount of the claim. If judgment is given in favor of the plaintiff in any such action, and it is further found that he is entitled to a lien under the provisions of this section, property subject thereto, or so much thereof as may be necessary, may be sold to satisfy such judgment; but if several judgments have been recovered against the same property for the enforcement of such liens, the proceeds of the sale must be divided pro rata among the judgment creditors.

Sec. 347. A new section is hereby added to said code, to be numbered thirty hundred and sixty-two, and to read as follows:

Section 3062. Every owner or person having in charge any stallion, jack, or bull, used for propagating purposes, has a lien for the agreed price of its service upon any mare or cow and upon the offspring of such service, unless some wilfully false representation concerning the breeding or pedigree of such stallion, jack, or bull has been made or published by the owner or person in charge thereof, or by some other person, at the request or instigation of such owner or person in charge.

Sec. 348. A new section is hereby added to said code, to be numbered thirty hundred and sixty-three, and to read as follows:

Section 3063. Every claimant of a lien provided for in the preceding section must,

within ninety days after the service on account of which the lien is claimed, file in the office of the county recorder of the county where the mare or cow subject thereto is kept, a verified claim containing a particular description of the mare or cow, the date and place of service, the name of the owner or reputed owner of such mare or cow, a description by name, or otherwise, of the stallion, jack, or bull performing the service, the name of the owner or person in charge thereof, and the amount of the lien claimed. Such claim so filed is notice to subsequent purchasers and incumbrancers of such mare or cow and of the offspring of such service for one year after such filing.

SEC. 349. A new section is hereby added to said code, to be numbered thirty hundred and sixty-four, and to read as follows:

Section 3064. An action to enforce any lien created under section thirty hundred and sixty-two may be brought in any county wherein any of the property subject thereto may be found, and the plaintiff is entitled to the remedies provided in sections thirty hundred and forty four and thirty hundred and sixty-five upon complying with such sections, both of which are hereby made applicable to the proceedings in such action.

SEC. 350. A new section is hereby added to said code, to be numbered thirty hundred and sixty-five, and to read as follows:

Section 3065. A person who labors at cutting, hauling, rafting, or drawing logs, bolts, or other timber, has a lien thereon for the amount due for his personal services, which takes precedence of all other claims, to continue for thirty days after the logs, bolts, or other timber arrive at the place of destination for sale or manufacture, while such logs, bolts, or other timber are in the county in which such labor was performed. The lien hereby created ceases and determines unless the claimant thereof, within twenty days from the time such labor is completed, brings suit to foreclose the same. The plaintiff in any such suit, at the time of issuing the summons or at any time afterwards, may have the logs, bolts, or other timber upon which such lien subsists attached, as provided in this code, upon delivering to the clerk an affidavit by or on behalf of the plaintiff, showing that defendant is indebted to the plaintiff upon a demand for labor performed, either in the cutting, hauling, rafting, or drawing such logs, bolts, or other timber, and that the sum for which the attachment is asked is an actual bona fide existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought, and the action is not brought, to hinder, delay, or defraud any creditor or creditors of the defendant.

SEC. 351. Section thirty-one hundred and thirty-one of said code is hereby amended to read as follows:

Section 3131. Presentment of a negotiable instrument for payment, when necessary, must be made as follows, as nearly as by reasonable diligence it is practicable:

1. The instrument must be presented by the holder, or his agent;
2. The instrument must be presented to the principal debtor, if he can be found at the place where presentment should be made; and if not, then it must be presented to some other person having charge thereof, or employed therein, if one can be found there;
3. An instrument which specifies a place for its payment must be presented there; and if the place specified includes more than one house, then at the place of residence, or business, of the principal debtor, if it can be found therein;
4. An instrument which does not specify a place for its payment must be presented at the place of residence, or business, of the principal debtor, or wherever he may be found, at the option of the presenter;
5. The instrument must be presented upon the day of its maturity, or, if it is payable on demand, it may be presented upon any day. It must be presented within reasonable hours; and if it is payable at a banking house, within the usual banking hours of the vicinity; but, by the consent of the person to whom it should be presented, it may be presented at any hour of the day;
6. If the principal debtor has no place of business, or if his place of business, or residence, cannot, with reasonable diligence, be ascertained, presentment for payment is excused.

SEC. 352. Section thirty-one hundred and fifty-six of said code is hereby amended to read as follows:

Section 3156. Presentment and notice are excused as to any party to a negotiable instrument who informs the holder that it will be dishonored.

SEC. 353. Section thirty-one hundred and seventy-six of said code is hereby amended to read as follows:

Section 3176. A bill of exchange is payable:

1. At the place where, by its terms, it is made payable;
2. If it specifies no place of payment, then at the place to which it is addressed.
3. If it is not addressed to any place, then at the place of residence or business of the drawee, or wherever he may be found. If the drawee has no place of business, or if his place of business or residence cannot, with reasonable diligence, be ascertained, presentment for payment is excused, and the bill may be protested for nonpayment.

SEC. 354. Section thirty-one hundred and ninety-seven of said code is hereby amended to read as follows:

Section 3197. An unconditional promise, in writing, to accept a bill of exchange, is a sufficient acceptance thereof, in favor of every person who upon the faith thereof has taken the bill for value.

SEC. 355. Section thirty-two hundred and thirty-five of said code is hereby amended to read as follows:

Section 3235. Damages are allowed under the last section upon bills drawn upon any person:

1. If drawn upon a person in this state, two dollars upon each one hundred dollars of the principal sum specified in the bill;
2. If drawn upon a person out of this state, five dollars upon each one hundred dollars of the principal sum specified in the bill;
3. If drawn upon a person in any place in a foreign country, fifteen dollars upon each one hundred dollars of the principal sum specified in the bill.

SEC. 356. Section thirty-two hundred and forty-five of said code is hereby amended to read as follows:

Section 3245. An instrument in the form of a bill of exchange, but appearing upon its face to be drawn upon and accepted by the drawer himself, is to be deemed a promissory note.

SEC. 357. Section thirty-two hundred and ninety-four of said code is hereby amended to read as follows:

Section 3294. In an action for the breach of an obligation not arising from contract, where the defendant has been guilty of oppression, fraud, or malice, express or implied, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant.

SEC. 358. A new section is hereby added to said code, to be numbered thirty-three hundred and forty-six *a*, to read as follows:

Section 3346*a*. Every person negligently setting fire to his own woods, or negligently suffering any fire to extend beyond his own land, is liable in treble damages to the party injured.

SEC. 359. Section thirty three hundred and sixty-six of said code is hereby amended to read as follows:

Section 3366. Specific or preventive relief may be given as provided by the laws of this state.

SEC. 360. A new section is hereby added to said code, to be numbered thirty-three hundred and ninety-six, and to read as follows:

Section 3396. Whenever, by the judgment of a court, it is determined that any party to the action is entitled to a conveyance of property from another party to the action, the court may, by its judgment, directly transfer the title to such property to the party so entitled thereto, and direct the possession thereof to be delivered to him; and, upon the recording of a certified copy of such judgment in the office of the recorder of the county in which the property is situated, the title to such property vests in him as fully as if the same had been conveyed to him by such other party, and he is entitled to a writ of assistance from the court to place him in possession thereof.

SEC. 361. Section thirty-four hundred and two of said code is hereby amended to read as follows:

Section 3402. A contract may be first reformed and then specifically enforced, or may be reformed and enforced in the same action, if, at the time of such reformation, performance is due.

SEC. 362. Section thirty-four hundred and six of said code is hereby amended to read as follows:

Section 3406. The rescission of a contract may be adjudged, on the application of a party aggrieved:

1. In any of the cases mentioned in section sixteen hundred and eighty-nine;
2. Where the contract is unlawful, for causes not apparent upon its face, and the parties were not equally in fault;
3. When the public interest will be prejudiced by permitting it to stand.

SEC. 363. Section thirty-four hundred and twelve of said code is hereby amended to read as follows:

Section 3412. A written instrument, in respect to which there is a reasonable apprehension that if left outstanding it may cause serious injury to a person against whom it is void or voidable, may, upon his application, be so adjudged, and ordered to be delivered up or canceled, and if it is of record in the office of the county recorder of any county of this state, the recorder may be required to write upon or across the record thereof that it has been so adjudged and ordered to be delivered up or canceled.

SEC. 364. Section thirty-four hundred and forty-two of said code is hereby amended to read as follows:

Section 3442. In all cases arising under section twelve hundred and twenty-seven, or under the provisions of this title, except as otherwise provided in section thirty-four hundred and forty, the question of fraudulent intent is one of fact and not of law; nor can any transfer or charge be adjudged fraudulent solely on the ground that it was not made for a valuable consideration, unless such transfer or charge was made by a person while insolvent or in contemplation of insolvency.

SEC. 365. Section thirty-four hundred and fifty-one of said code is hereby amended to read as follows:

Section 3451. The provisions of this title do not prevent a person residing in another state or country from making there, in good faith, and without intent to evade the laws of this state, a transfer of property situated within it; but such person cannot make a general assignment of property situated in this state for the satisfaction of all his creditors, except as in this title provided; nor do the provisions of this title affect the power of a person, although insolvent, and whether residing within or without this state, to transfer property in this state, in good faith to a particular creditor or creditors, or to

some other person or persons in trust for such particular creditor or creditors for the purpose of paying or securing the whole or part of a debt owing to such creditor or creditors, whether in his or their own right or otherwise.

SEC. 366. Section thirty-four hundred and seventy-nine of said code is hereby amended to read as follows:

Section 3479. Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

SEC. 367. Section thirty-five hundred and three of said code is hereby amended to read as follows:

Section 3503. Where a private nuisance cannot be abated without entering upon the land of the wrongdoer, reasonable notice must be given to him before entering to abate it.

SEC. 368. Certain title and chapter headings of the Civil Code are inserted, changed and amended as hereinafter provided:

1. The title heading of part second preceding section forty-three of said code to read as follows:

PERSONAL RIGHTS.

Sec. 43. Personal rights in addition to those mentioned and recognized in the Political Code.

Sec. 44. Defamation classified.

Sec. 45. Libel defined.

Sec. 46. Slander defined.

Sec. 47. Privileged communications defined and classified.

Sec. 48. Malice, when not inferred.

Sec. 49. Acts forbidden by the rights of personal relation.

Sec. 50. Right to use necessary force.

Sec. 51. Rights of citizens in places of public accommodation or amusement.

Sec. 52. Damages recoverable for violation of the preceding section.

Sec. 53. Wrongful refusal to admit person to place of public amusement.

Sec. 54. Damages recoverable for wrongful refusal to admit to place of public amusement.

2. The article heading preceding section sixty-eight of said code to read as follows:

ARTICLE II.

AUTHENTICATION OF MARRIAGE.

Sec. 68. Marriage, how solemnized.

Sec. 69. Marriage license.

Sec. 70. By whom solemnized.

Sec. 71. No particular form of solemnization.

Sec. 72. Substantial requisites.

Sec. 73. Certificate of marriage.

Sec. 74. Certificate to parties and recorder.

Sec. 75. Declaration of marriage, how made.

Sec. 76. Declaration to contain what.

Sec. 77. To be acknowledged and recorded.

Sec. 78. Action between the parties to determine validity.

Sec. 79a. Members of particular religious denomination.

3. The title heading preceding section two hundred and thirty-six of said code to read as follows:

TITLE III.

GUARDIAN AND WARD.

Sec. 236. Guardian defined.

Sec. 237. Ward defined.

Sec. 238. Guardians classified.

Sec. 239. General guardian defined.

Sec. 240. Special guardian defined.

Sec. 241. Guardians appointed by will or deed.

Sec. 246. Rules for awarding the custody, or appointing a general guardian of minors.

Sec. 250. Relation confidential.

Sec. 251. Guardian under direction of court.

Sec. 252. Death of a joint guardian.

Sec. 253. Removal of guardian.

Sec. 254. Guardian appointed by parent, how superseded.

Sec. 255. Guardian appointed by court, how superseded.

Sec. 256. Released by ward.

4. The title heading preceding title four of part three of division one of said code to read as follows:

TITLE IV.

MASTER AND APPRENTICE.

Sec. 264. Minors, when and to whom may be bound as apprentices.

Sec. 265. Persons who may bind minor with his consent.

- Sec. 266. Indenture of apprenticeship, how to be executed and what to contain.
- Sec. 267. Jury trial as to facts of incapacity, etc., of parent.
- Sec. 268. Apprenticing of poor and homeless minors.
- Sec. 269. Master to keep apprentice within the state, to deliver him money and other property therein.
- Sec. 270. Duty to inquire into the treatment of minor apprentices.
- Sec. 271. Hearing of complaints of apprentices.
- Sec. 272. Power of court to discharge apprentice from apprenticeship.
- Sec. 273. Liability of master for breach of his covenant.
- Sec. 274. Liability of, and proceedings against, apprentice guilty of gross misbehavior.
- Sec. 275. Enticing away apprentices and liability for.
- Sec. 276. Release of master removing out of state or quitting business.
- 5. The article heading preceding section three hundred and twenty-two of said code to read as follows :

ARTICLE I.

STOCK AND STOCKHOLDERS.

- Sec. 322. Liabilities of stockholders. They may be released, when.
- Sec. 323. Certificates, how and when issued.
- Sec. 324. Transfer of shares.
- Sec. 325. Transfer of shares held by married women, etc. Dividends payable to married women.
- Sec. 326. Nonresident stockholders. Bonds.
- Sec. 327. Contract to relieve directors void.
- Sec. 328. Suit to obtain duplicate of lost or destroyed certificate.
- 6. The article heading preceding section three hundred and fifty-four of said code to read as follows :

ARTICLE I.

GENERAL POWERS.

- Sec. 354. Powers of corporations.
- Sec. 355. Limitation of powers.
- Sec. 356. Banking expressly prohibited.
- Sec. 357. Misnomer does not invalidate instrument.
- Sec. 358. Corporation to organize within one year.
- Sec. 359. Increasing and diminishing capital stock, how.
- Sec. 360. Corporations may acquire real property, and how much.
- Sec. 362. Amendment of articles or certificate of incorporation.
- Sec. 363. Erroneous filing of articles of incorporation.
- Sec. 364. Sale of property in foreign country.
- 7. The article heading preceding section three hundred and eighty-two of said code to read as follows :

ARTICLE III.

EXAMINATION OF CORPORATIONS, ETC.

- Sec. 382. Examination into affairs of corporation, how made by officers of state.
- Sec. 383. Examination made by the legislature.
- 8. The chapter heading of chapter four of title one of part four of division one of said code to read as follows :

CHAPTER IV.

EXTENSION AND DISSOLUTION OF CORPORATIONS.

- Sec. 400. On dissolution, directors to be trustees for creditors.
- Sec. 401. Any corporation may extend its corporate existence, how.
- 9. A chapter heading to be inserted preceding section four hundred and three of said code to read :

CHAPTER V.

GENERAL PROVISIONS AFFECTING CORPORATIONS.

- Sec. 403. Corporations to which this title is applicable.
- Sec. 404. Right to repeal or amend, and effect thereof.
- 10. A new chapter heading to be inserted between sections four hundred and four and four hundred and five of said code, to read :

CHAPTER VI.

FOREIGN CORPORATIONS.

- Sec. 405. Designation of person on whom process may be served. Service on the secretary of state, when valid.
- Sec. 406. Foreign corporations, statute of limitations in favor of. Proof of corporate existence. Change of designation.
- Sec. 407. Foreign railway corporations, rights of in this state.
- 11. The chapter heading preceding section four hundred and fourteen of said code to read as follows :

CHAPTER I.

GENERAL PROVISIONS.

- Sec. 414. Subscriptions to capital stock opened, and how collected.
- Sec. 415. Purchase and conveyance of real estate.
- Sec. 416. Policies, how issued and by whom signed.
- Sec. 417. Dividends, of what and when declared.
- Sec. 418. Directors liable for loss on insurance in certain cases.
- Sec. 419. Capital to be at least two hundred thousand dollars.
- Sec. 420. Exception, capital of one hundred thousand dollars.
- Sec. 421. Investment of capital and accumulations.
- Sec. 422. Investments by title insurance companies.
- 12. The chapter heading preceding section four hundred and twenty-four of said code to read as follows:

CHAPTER II.

FIRE AND MARINE INSURANCE CORPORATIONS.

- Sec. 424. Payment of subscriptions. Capital to be all paid in twelve months.
- Sec. 425. Certificate of capital stock paid up to be filed, and when.
- Sec. 426. Property which may be insured.
- Sec. 428. Rate of risk.
- Sec. 429. Amounts to be reserved before making dividends.
- Sec. 430. Reservation by companies with less than two hundred thousand dollars capital.
- 13. The chapter heading preceding section four hundred and thirty-seven of said code to read as follows:

CHAPTER III.

MUTUAL LIFE, HEALTH, AND ACCIDENT INSURANCE CORPORATIONS.

- Sec. 437. Capital stock. Guarantee fund.
- Sec. 438. Of what guarantee fund shall consist.
- Sec. 439. What constitutes, and deficiency in fixed capital.
- Sec. 440. Declaration of fixed capital to be filed.
- Sec. 441. Guarantee notes and interest, how disposed of.
- Sec. 442. Insured to be entitled to vote, when.
- Sec. 443. May invest in what securities.
- Sec. 445. Limitations to the holding of stock and in other particulars may be provided for in by-laws.
- Sec. 446. Premiums, how payable.
- Sec. 447. Valuation of policies outstanding, when; how estimated.
- Sec. 449. Valuation of policies, retaliatory provisions.
- Sec. 450. Nonforfeiture clause. Right to paid-up policy.
- Sec. 451. Fraternal societies exempt from insurance laws.
- Sec. 452. Dividends, from what may be declared.
- 14. A new chapter heading to be inserted following section four hundred and fifty-two of said code, to read as follows:

CHAPTER IV.

MUTUAL BENEFIT AND LIFE ASSOCIATIONS.

- Sec. 452a. Formation of the association.
- Sec. 453. Levying of assessments. By-laws which may be made.
- 15. A new chapter heading to be inserted following section four hundred and fifty-three of said code, to read as follows:

CHAPTER V.

CORPORATIONS TO DISCOVER FIRE AND SAVE PROPERTY AND HUMAN LIFE FROM DESTRUCTION THEREBY.

- Sec. 453a. Powers of the corporation.
- Sec. 453b. Right of way of corporation and its officers when running to fires.
- Sec. 453c. Yearly meeting of corporation, notice to be given thereof, and proceedings which may be authorized thereat.
- 16. A new chapter heading to be inserted following section four hundred and fifty-three c of said code, to read as follows:

CHAPTER VI.

LIFE, HEALTH, ACCIDENT, AND ANNUITY OR ENDOWMENT INSURANCE ON THE ASSESSMENT PLAN.

- Sec. 453d. Contracts which may be made by, defined.
- Sec. 453e. Formation of corporation; issuing of contracts; investments.
- Sec. 453f. Preëxisting corporations, right of to reincorporate.
- Sec. 453g. Contracts of insurance, contents and effect of.
- Sec. 453h. Reserve and emergency fund.

- Sec. 453*i*. Foreign corporations, conditions precedent to doing business in this state.
Sec. 453*j*. Limitations upon right to issue contracts of insurance.
Sec. 453*k*. Exemptions from attachment and execution.
Sec. 453*l*. Statements to be filed with the insurance commissioner; proceedings to be taken by him thereon.
Sec. 453*m*. Lapsing of policies, when forbidden.
Sec. 453*n*. Fees and penalties.
Sec. 453*o*. Insurance commissioner to present bills for certain expenses.
Sec. 453*p*. Exemption of fraternal societies from this chapter.
17. The chapter heading preceding section four hundred and fifty-four of said code to read as follows:

CHAPTER I.

OFFICERS AND CORPORATE STOCK.

- Sec. 454. Directors to be elected, when.
Sec. 455. Additional provisions in assessment and transfer of stock.
Sec. 456. Corporations may borrow money and issue bonds. Limitation of amount.
Sec. 457. To provide a sinking fund to pay bonds.
Sec. 458. Capital stock to be fixed.
Sec. 459. Certificate of payment of fixed capital stock.
Sec. 460. Power of legislative bodies of cities and towns to grant franchises.
18. The chapter heading preceding section four hundred and sixty-five of said code to read as follows:

CHAPTER II.

ENUMERATION OF POWERS.

- Sec. 465. Enumeration of powers:
1. To survey road;
2. May accept real estate;
3. May acquire real estate;
4. Lay out road, how wide;
5. Where may construct road;
6. May cross or connect roads;
7. May purchase land, timber, stone, gravel, etc.;
8. Carry persons and freight;
9. Erect necessary buildings;
10. Regulate time and freights, subject to legislation;
11. Regulate force and speed.
Sec. 465*a*. Right to use electricity or compressed air.
Sec. 466. Map and profile to be filed.
Sec. 467. May change line of road.
Sec. 468. Forfeiture of franchise.
Sec. 469. Crossings and intersections. Condemnation.
Sec. 470. Not to use streets, alleys, or water in cities or towns, except by a two-thirds vote of the city or town authorities.
Sec. 471. Railroads through cities not to charge fare to and from points therein.
Sec. 472. When crossing railroads or highways, how other lands are acquired.
Sec. 473. Corporations may consolidate. Publication of notice. Copy to be filed.
Sec. 473*a*. Power of domestic and foreign corporations to contract with one another.
Sec. 474. State lands granted for use of corporations.
Sec. 475. Grant not to embrace town lots.
Sec. 476. Wood, stone, and earth may be taken from state lands.
Sec. 477. Lands revert to state, when.
Sec. 478. Selections made, how proved and certified to.
19. The title heading preceding section four hundred and ninety-seven of said code to read as follows:

TITLE IV.

STREET RAILROAD CORPORATIONS.

- Sec. 497. Authority to lay street railroad track, how obtained.
Sec. 497*a*. Franchises, proceedings prior to the granting or sale of.
Sec. 497*b*. Renewing, extending, or surrendering existing franchises.
Sec. 498. Restrictions and limitations to the grant of the right of way.
Sec. 499. Two corporations may use the same track.
Sec. 500. Crossing tracks. Obstructions.
Sec. 501. Rates of fare, speed, etc.
Sec. 502. Time allowed for completion of work of laying down track.
Sec. 503. May make further regulations and rules.
Sec. 504. Penalty for overcharging.
Sec. 505. To provide and furnish passenger tickets. Penalty.
Sec. 506. Trial, proof, and limitation.
Sec. 507. City or town to reserve certain rights.
Sec. 508. License to be paid to city or town.
Sec. 509. Track for grading purposes.

- Sec. 510. What provisions of title three are applicable to street railroads.
Sec. 511. Title applicable to natural persons alike with corporations.
20. The title heading preceding section five hundred and twelve of said code to read as follows:

TITLE V.

WAGON ROAD CORPORATIONS.

- Sec. 512. Wagon roads, how must be laid out.
Sec. 513. Survey and map to be filed and approved by supervisors.
Sec. 514. Tolls, etc., to be collected. Penalty for taking unlawful tolls.
Sec. 515. No tolls to be charged on highways or public roads.
Sec. 516. Rates of toll to be posted at gate.
Sec. 517. Toll-gatherer may detain persons until they pay toll.
Sec. 518. Toll-gatherer not to detain any person, vehicle, or animal unreasonably.
Sec. 519. Persons avoiding tolls to pay five dollars.
Sec. 520. Penalties for trespasses on property of corporation.
Sec. 521. When capital invested is repaid, tolls to be reduced, etc.
Sec. 522. May mortgage and hypothecate corporate property.
Sec. 523. This title applies to natural persons as well as corporations.
Sec. 524. Franchises for construction of paths and roads for horseless vehicles.
21. The title heading preceding section five hundred and thirty-six of said code to read as follows:

TITLE VII.

TELEGRAPH AND TELEPHONE CORPORATIONS.

- Sec. 536. May use right of way along waters, roads, and highways.
Sec. 537. Liability for damaging telegraph or telephone property.
Sec. 538. Penalty for wilfully or maliciously injuring telegraph or telephone property.
Sec. 539. Conditions on which damage to subaqueous cable may be recovered.
Sec. 540. May dispose of certain rights.
22. The title heading preceding section five hundred and seventy-one of said code to read as follows:

TITLE X.

SAVINGS AND LOAN CORPORATIONS.

- Sec. 571. May loan money—on what terms, how, and to whom, and how long.
Sec. 572. Capital stock, and rights and privileges thereof.
Sec. 573. No dividends, except from surplus profits. To contract no liability, except for deposits.
Sec. 574. Property which may be owned by corporations, and how disposed of.
Restrictions in purchases as provided above.
Sec. 575. Married women and minors may own stock in their own right.
Sec. 576. May issue transferable certificates of deposit. Special certificates.
Sec. 577. To provide reserve fund for the payment of losses.
Sec. 578. Prohibition on director and officer, and what vacates office.
Sec. 579. Definition of phrase "create debts."
Sec. 580. Returns to be made to bank commissioners. Notices to be given of unclaimed deposits.
23. The title heading of title eleven of part four of division one of said code to read as follows:

TITLE XI.

MINING CORPORATIONS.

- Sec. 584. Purchase, sale, lease, or mortgage must be ratified by two thirds of the stockholders.
Sec. 585. Stock must stand on the books in the names of the real owners or their trustees.
Sec. 586. Transfer agencies.
Sec. 587. Stock issued at transfer agencies.
Sec. 587a. Consolidation of mining corporations.
Sec. 588. Books and balance sheets to be kept by secretary. Stockholders' right to inspect.
Sec. 589. Right of stockholder to visit mine with expert.
Sec. 590. Liability of presidents and directors.
24. A new chapter heading to be inserted following section five hundred and ninety of said code to read as follows:

TITLE XIa.

CORPORATIONS FOR THE FORMATION OF CHAMBERS OF COMMERCE, BOARDS OF TRADE, MECHANICS INSTITUTES, AND OTHER KINDRED ASSOCIATIONS.

- Sec. 591. Formation, organization, and powers of.
Sec. 592. Capital stock and certificates of.

Sec. 592a. Powers which may be conferred on the trustees, directors, or the executive committee.

Sec. 592b. Power to acquire, sell, possess, and use property.

Sec. 592c. The by-laws.

Sec. 592d. Power to levy and collect assessments.

Sec. 592e. Preëxisting corporations may become entitled to the benefit of this title.

25. A new title heading to be inserted, following section six hundred and four of said code, to read as follows:

TITLE XIIa.

SOCIETIES FOR THE PREVENTION OF CRUELTY TO CHILDREN AND ANIMALS.

Sec. 607. Formation of corporations.

Sec. 607a. Power of to receive and dispose of property.

Sec. 607b. Complaints for violating any law relating to children or animals.

Sec. 607c. Magistrates and police officers to aid the corporation and its officers.

Sec. 607d. Preëxisting corporations.

Sec. 607e. Fines, penalties, and forfeitures, and the disposition to be made thereof.

Sec. 607f. Members and agents may be authorized to act as police officers.

Sec. 607g. Children who may be arrested and brought before a court or magistrate for examination.

26. A new title heading to be inserted following section six hundred and fifty-three of said code, to read as follows:

TITLE XIX.

COÖPERATIVE BUSINESS CORPORATIONS.

Sec. 653a. Purposes for which may be formed.

27. A new title heading to be inserted after section six hundred and fifty-three a of said code, to read as follows:

TITLE XX.

COÖPERATIVE BUSINESS ASSOCIATIONS.

Sec. 653b. Formation and purposes of.

Sec. 653c. Rights, interests, and liabilities of members.

Sec. 653d. The articles of association.

Sec. 653e. The by-laws.

Sec. 653f. Execution against the association or its members.

Sec. 653g. Purpose of the association, how may be altered.

Sec. 653h. Powers of the association.

Sec. 653i. Consolidation of associations.

Sec. 653j. Dissolution and winding up of association.

Sec. 653k. Quo warranto to inquire into the right of an association to do business.

28. The chapter heading preceding section eight hundred and forty of said code to read as follows:

CHAPTER II.

OBLIGATIONS OF OWNERS.

Sec. 840. Duties of tenant for life.

Sec. 841. Monuments and fences.

Sec. 842. Liability of associates in the use of a ditch or flume.

Sec. 843. Actions for contribution to expenses.

29. The article heading preceding section ten hundred and ninety-one of said code to read as follows:

ARTICLE I.

MODE OF TRANSFER.

Sec. 1091. Requisites for transfer of certain estates.

Sec. 1092. Form of grant.

Sec. 1093. Grant by married woman, how acknowledged.

Sec. 1094. Power of attorney of married women, how acknowledged.

Sec. 1095. Attorney in fact, how must execute for principal.

Sec. 1096. Conveyances by persons whose names have been changed.

30. The article heading preceding section twelve hundred and thirteen of said code to read as follows:

ARTICLE IV.

EFFECT OF RECORDING OR THE WANT THEREOF.

Sec. 1213. Record, where and to whom notice.

Sec. 1214. Conveyances to be recorded, or are void, etc.

Sec. 1215. Conveyance defined.

Sec. 1216. Powers of attorney, how revoked.

Sec. 1217. Unrecorded instrument valid between the parties.

Sec. 1218. Recording certified copy of recorded instruments.

31. The chapter heading preceding section twelve hundred and thirty-seven of said code to read as follows:

CHAPTER I.

GENERAL PROVISIONS.

- Sec. 1237. Homestead, of what it consists.
 - Sec. 1237a. Partition of homesteads.
 - Sec. 1237b. Homestead, setting aside in partition.
 - Sec. 1238. From what it may be carved.
 - Sec. 1239. From what not.
 - Sec. 1240. Exemption from execution.
 - Sec. 1241. Subject to, when.
 - Sec. 1242. How conveyed or incumbered.
 - Sec. 1243. How abandoned.
 - Sec. 1244. Abandonment, when becomes effectual.
 - Sec. 1245. Appraisement of homesteads.
 - Sec. 1246. Application for appraisement, how may be made.
 - Sec. 1247. Filing petition for appraisement.
 - Sec. 1248. Service of copy of petition and order to show cause.
 - Sec. 1249. Appointment of appraisers.
 - Sec. 1250. Oath of appraisers.
 - Sec. 1251. Duties of appraisers.
 - Sec. 1252. Report of the appraisers.
 - Sec. 1253. Direction to appraisers to set off the homestead.
 - Sec. 1254. Sale of homestead, when may be directed.
 - Sec. 1255. Bid which may be received.
 - Sec. 1256. Disposition of proceeds of sale.
 - Sec. 1257. Exemption of proceeds of sale.
 - Sec. 1258. Compensation of appraisers.
 - Sec. 1259. Costs of proceedings, by whom and how to be paid.
 - Sec. 1260. Homesteads, limitation of value.
 - Sec. 1261. Head of family, who is.
32. A new chapter heading to be inserted following section twelve hundred and sixty-six of said code, to read as follows:

CHAPTER IV.

ALIENATION OF HOMESTEADS OF INSANE PERSONS.

- Sec. 1267. Petition for sale or mortgage of homestead where husband or wife is insane.
 - Sec. 1268. Notice of application for order.
 - Sec. 1269. When an order may be made to sell or mortgage the homestead of an insane person.
33. The heading of part three, preceding section seventeen hundred and eight of said code, to read as follows:

PART III.

OBLIGATIONS IMPOSED BY LAW.

- Sec. 1708. Abstinence from injury.
 - Sec. 1709. Fraudulent deceit.
 - Sec. 1710. Deceit, what.
 - Sec. 1711. Deceit upon the public, etc.
 - Sec. 1712. Restoration of thing wrongfully acquired.
 - Sec. 1713. When demand necessary.
 - Sec. 1714. Responsibility for wilful acts, negligence, etc.
 - Sec. 1715. Waste by guardian, co-tenant, or tenant for life or years.
 - Sec. 1716. Liability of person cutting or injuring timber on the lands of another, etc.
 - Sec. 1717. Timber taken for repair of a public highway.
34. The article heading preceding section seventeen hundred and sixty-three of said code to read as follows:

ARTICLE III.

WARRANTY.

- Sec. 1763. Warranty, what.
- Sec. 1764. No implied warranty in mere contract of sale.
- Sec. 1765. Warranty of title to personal property.
- Sec. 1766. Warranty on sale by sample.
- Sec. 1767. When seller knows that buyer relies on his statements, etc.
- Sec. 1768. Merchandise not in existence.
- Sec. 1769. Manufacturer's warranty against latent defects.
- Sec. 1770. Thing bought for particular purpose.
- Sec. 1771. When thing cannot be examined by buyer.
- Sec. 1772. Trade marks.
- Sec. 1773. Other marks.
- Sec. 1774. Warranty on sale of written instrument.

Sec. 1775. Warranty of provisions for domestic use.

Sec. 1776. Warranty on sale of good-will.

Sec. 1777. Warranty upon judicial sale.

Sec. 1778. Effect of general warranty.

Sec. 1779. Express warranty in writing, when excludes other warranties.

35. The article heading preceding section eighteen hundred and fifty-one of said code to read as follows:

ARTICLE III.

STORAGE.

Sec. 1851. Deposit for hire.

Sec. 1852. Degree of care required of depositary for hire.

Sec. 1853. Rate of compensation for fraction of a week, etc.

Sec. 1854. Termination of deposit.

Sec. 1855. Same.

Sec. 1856. Lien for storage charged.

Sec. 1857. Storage property to be sold.

Sec. 1858. Warehouse receipts must not be issued unless the property has been received and remains in store.

Sec. 1858a. Property not to be removed without consent in writing.

Sec. 1858b. Warehouse receipts, classification and effect of.

Sec. 1858c. Indorsement on back of negotiable receipt of property delivered.

Sec. 1858d. Negotiable receipts and their effect.

Sec. 1858e. Liability for loss by fire.

Sec. 1858f. Penalties and liabilities.

36. The article heading preceding section twenty-two hundred and forty-three of said code to read as follows:

ARTICLE III.

RIGHTS AND OBLIGATIONS OF THIRD PERSONS.

Sec. 2243. Third person, when involuntary trustee.

Sec. 2244. When third person must see to application of trust property.

Sec. 2245. Trusts to receive and apply income to personal property.

37. The article heading preceding section twenty-eight hundred and eighty-eight of said code to read as follows:

ARTICLE III.

EFFECT OF LIENS.

Sec. 2888. Lien, or contract for lien, transfers no title.

Sec. 2889. Certain contracts void.

Sec. 2890. Creation of lien does not imply personal obligation.

Sec. 2891. Extent of lien.

Sec. 2892. Holder of lien not entitled to compensation.

Sec. 2893. Liens, remedy for enforcement of.

38. The chapter heading preceding section thirty hundred and forty-six of said code to read as follows:

CHAPTER VI.

OTHER LIENS.

Sec. 3046. Lien of seller of real property.

Sec. 3047. When transfer of contract waives lien.

Sec. 3048. Extent of seller's lien.

Sec. 3049. Lien of seller of personal property.

Sec. 3050. Purchaser's lien on real property.

Sec. 3051. Lien for service.

Sec. 3052. Liens on personal property.

Sec. 3053. Lien of factor.

Sec. 3054. Banker's lien.

Sec. 3055. Shipmaster's lien.

Sec. 3056. Seamen's lien.

Sec. 3057. Officers' lien.

Sec. 3058. Judgment lien.

Sec. 3061. Lien of persons working on threshing machines and their appliances.

Sec. 3062. Lien in favor of owners of stallions, jacks, and bulls.

Sec. 3063. Filing of claim of lien given by preceding section.

Sec. 3064. Action to enforce lien.

Sec. 3065. Lien for labor on logs and timber, and remedy for its enforcement.

39. The article heading preceding section thirty-three hundred and forty-four of said code to read as follows:

ARTICLE III.

PENAL DAMAGES.

Sec. 3344. Failure to quit, after notice.

Sec. 3345. Tenant wilfully holding over.

Sec. 3346. Injuries to trees, etc.
Sec. 3346a. Person negligently setting fire to his own woods.
Sec. 3347. Injuries inflicted in a duel.
Sec. 3348. Same.
Sec. 369. This Act takes effect on the first moment of the first day of July, nineteen hundred and one.

Substitute read and adopted.

SPECIAL ORDER SET.

On motion of Senator Devlin, further consideration of Senate Bill No. 140 and substitute was made special order for Friday, February 22, 1901, to immediately follow special order following the regular order after introduction of bills.

SPECIAL ORDER RESET.

The special order set for this hour—being the consideration of the Governor's veto to Senate Bill No. 2—having arrived, on motion of Senator Belshaw the same was postponed until February 28, 1901, at eleven o'clock A. M., and was therefore made special order for that date and hour.

PETITIONS.

The following petition was presented by Senator Corlett, and ordered printed in the Journal, down to and including the tenth name:

To the HON. ROBERT CORLETT, Senator representing Senatorial District No. 7:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that if passed by the Legislature each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

C. E. Hendricks, Kelseyville; F. W. Dorn, Kelseyville; James A. Gunn, Jr., Kelseyville; C. A. Patrick, Kelseyville; R. G. Luark, Kelseyville; W. A. Maxwell, Kelseyville; J. D. Hendricks, Kelseyville; Edgar Woodridge, Lakeport; O. T. Boardman, Kelseyville; William J. Biggerstaff, Lakeport.

Like petitions were presented as follows:

By Senator Lukens, with forty-two names.

By Senator Lardner, with twenty-seven names.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 122—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Also: Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Also: Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Also: Passed Senate Bill No. 199—An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands.

Also: Senate Bill No. 68—An Act to add a new section to the Penal Code of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk-dealers, and persons acting as their agents.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant Clerk.

Senate Bills Nos. 68 and 199 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 122?"

ASSEMBLY AMENDMENT.

After the word "fines," in line six of Section 2 of the printed bill, insert the words "and forfeitures."

The roll was called, and Assembly amendment to Senate Bill No. 122 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Oneal, Rowell, Selvage, Smith of Kern, Taylor, and Tyrrell of San Francisco—28.

NOES—None.

Senate Bill No. 122 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 115?"

In lieu of Section 13 of the printed bill, insert the following:

"SEC. 13. Any ordinance establishing a library adopted under the provisions of section one of this Act may be repealed by the body which adopted the same upon being requested to do so by one half of the electors of such municipal corporations in the manner provided in section two of this Act, and upon such repeal of such ordinance, this Act shall cease to be operative within such municipal corporation."

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 115 by the following vote:

AYES—Senator Byrnes—1.

NOES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Welch—27.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 115?"

In Section 3, page two, line thirteen of the printed bill, after the word "appointment," insert the words "for the unexpired term."

Also: Amend by striking out the words "shall have power to," in lines three and four of Section 10, and insert in lieu thereof the word "may."

Also: Amend Section 7, line thirteen of the printed bill, by striking out the words "be not less than one quarter," and inserting in lieu thereof the words "not exceed one."

Also: Amend Section 7, line fifteen of the printed bill, by striking out the words "be not less than one half mill," and inserting in lieu thereof the words "not exceed two mills."

The roll was called, and Assembly amendments to Senate Bill No. 115 concurred in by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Welch—27.

NOES—None.

The question being, "Shall the Senate concur in the following amendment to Senate Bill No. 115?"

Strike out the word "must," in line five of Section 1, and insert in lieu thereof the word "may."

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 115 by the following vote:

AYES—None.

NOES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Davis, Derlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Rowell, Selvage, Simpson, Smith of Kern, and Taylor—27.

The Secretary was directed to inform the Assembly that the Senate refused to concur in Assembly Amendments Nos. 1 and 3 to Senate Bill No. 115, and to request the Assembly to recede from the same.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 181?"

ASSEMBLY AMENDMENTS.

Amend by striking out the word "taxes," in line fifteen, Section 2, page two, printed bill, and inserting in lieu thereof the word "assessments."

Also: Amend by striking out the word "taxes," in line sixteen, Section 2, page two, printed bill, and inserting in lieu thereof the word "assessments."

Also: Amend after the word "district," in line twenty-four, Section 4, page three, printed bill, by inserting the following words: "and may determine the amount of any assessment or assessments theretofore paid upon the various parcels and lots of real estate therein."

Also: Amend, after the word "rendered," by inserting a period, in line twenty-six, Section 4, page three, printed bill.

Also: Amend by capitalizing the first letter "e" in the word "either" in line twenty-six, Section 4, page three, printed bill.

Also: Amend by inserting after the word "party," in line twenty-six, Section 4, page three, printed bill, the word "shall."

Also: Amend by striking out the word "of" in line one, Section 5, page four, printed bill, and inserting in lieu thereof the word "to."

Also: Amend by inserting after the word "days" in line two, Section 6, page four, printed bill, the words, "after the canvass of said vote."

Also: Amend by striking out the word "district," in line three, Section 7, page four, printed bill, and inserting in lieu thereof the word "system."

Also: Amend by striking out the word "on," in line five, Section 8, page five, printed bill, and inserting in lieu thereof the word "upon."

Amend by inserting in Section 2, line two, the words "and a majority in value of said property," after the word "district."

The roll was called, and Assembly amendments to Senate Bill No. 181 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Smith of Kern, Tyrrell of San Francisco, and Welch—24.

NOES—None.

Senate Bill No. 181 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following Assembly bills: Assembly Bill No. 558—An Act to amend the Penal Code by adding three new sections thereto, relating to crimes against the public health and safety.

Also: Assembly Bill No. 559—An Act to add a new section to the Political Code of the State of California, relating to the preservation of the public health.

Also: Amended, and passed as amended, Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction thereof.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 558 read first time, and referred to Committee on Health.

Assembly Bill No. 559 read first time, and referred to Committee on Health.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 185?"

ASSEMBLY AMENDMENTS.

After the word and figure Section 1, in line one of Section 1 of the printed bill, insert the following: "A new section is hereby added to the Penal Code, to be known and numbered Section 556, and to read as follows: Section 556."

Also: Strike out the word and figure "Sec. 2," in line one of Section 2 of the printed bill.

Also: Strike out the word "Act," in line one of Section 2 of the printed bill, and insert in lieu thereof the word "Section."

Also: Strike out all of Section 3 after the words "An Act," in the title, and insert the words and figures "to add a new section to the Penal Code, to be known and numbered Section 556."

The roll was called, and Assembly amendments to Senate Bill No. 185 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Flint, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Smith of Kern, Taylor, Tyrrell of San Francisco, and Welch—22.

NOES—None.

Senate Bill No. 185 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 15—Relative to the purchase of the Calaveras Sequoia Grove, etc.

Also: Passed Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court, and their salaries.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Joint Resolution No. 15 and Senate Bill No. 63 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 14—Relative to the Calaveras Sequoia Grove.

Also: That the Assembly on this day concurred in Senate amendments to Assembly Bill No. 142—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by Chapter CCLXII of the Laws of 1897.

Also: Passed the following Assembly bills:

Assembly Bill No. 588—An Act to amend Section 180 of the Penal Code of the State of California, approved February 10, 1899, by adding thereto, after the figures "180," the letter "a," relating to the bringing into State prisons, jails, reformatories, etc., opium, morphine, cocaine, or other narcotics, intoxicating liquors, firearms, etc.

Assembly Bill No. 93—An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State.

Assembly Bill No. 334—An Act defining investment companies, and regulating and governing corporations, associations, and individuals engaged in the business of placing or selling debentures, bonds, or certificates of investment by whatsoever name such debentures, bonds, or certificates may be designated, and to protect the holders thereof, and placing them under the supervision of the Bank Commissioners.

Assembly Bill No. 430—An Act to add a new section to the Penal Code, to be known and numbered as Section 381a.

Assembly Bill No. 231—An Act to amend Section 571 of the Civil Code.

Assembly Bill No. 264—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 209, relating to crimes and penalties.

Assembly Bill No. 503—An Act making an appropriation of \$750 to pay a deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV, to be known as Section 637a, for the protection of meadow larks.

Assembly Bill No. 76—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 1143, relating to the payment of jurors' fees.

Assembly Bill No. 124—An Act to provide for the construction of a State highway, or model wagon road, from Sacramento City to Folsom, in Sacramento County, and appropriating money and crushed rock, and granite or stone blocks, for drains and culverts therefor.

Assembly Bill No. 229—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Assembly Bill No. 281—An Act to provide for the location and construction of a State highway from a point at or near Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Assembly Bill No. 368—An Act making an appropriation to pay the claim of O. O. Webber for costs of suit in foreclosing delinquent purchasers of State school lands.

Assembly Bill No. 23—An Act to provide for the quieting and confirmation of titles to real property.

CLIO I. LOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Joint Resolution No. 14 referred to Committee on Federal Relations.

Assembly Bill No. 588 read first time, and referred to Committee on Prisons.

Assembly Bill No. 93 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 334 read first time, and referred to Committee on Corporations.

Assembly Bill No. 430 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 231 read first time, and referred to Committee on Corporations.

Assembly Bill No. 264 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 503 read first time, and referred to Committee on Finance.

Assembly Bill No. 361 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 76 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 124 read first time, and referred to Committee on Finance.

Assembly Bill No. 229 read first time, and referred to Committee on Finance.

Assembly Bill No. 281 read first time, and referred to Committee on Highways.

Assembly Bill No. 435 read first time, and referred to Committee on Mining.

Assembly Bill No. 368 read first time, and referred to Committee on Finance.

Assembly Bill No. 23 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, by a majority vote, adopted the following resolution:

"Resolved, That Assembly Constitutional Amendment No. 9 be recalled from the Senate for purposes of amendment."

And in accordance therewith, the Assembly respectfully requests that the same be returned.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

On motion of Senator Belshaw, the Secretary was directed to return Assembly Constitutional Amendment No. 9 to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Caldwell:

Resolved, That the sum of \$38.70 be and is hereby appropriated out of the Contingent Fund of the Senate to pay the actual expenses of the committee on visiting and examining the State Hospital at Stockton under authority of resolution adopted by this body, and the State Controller is hereby directed to draw his warrant to the order of the Sergeant-at-Arms of the Senate for said sum of \$38.70, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Welch:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant, payable out of the Contingent Fund of the Senate, in favor of the Sergeant-at-Arms of the Senate, for \$70, to be used for postage stamps for mailing Bulletin No. 19.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor.

Also: Senate Bill No. 416—An Act appropriating money for the purchase of a plant for wiring the Napa State Hospital building for electric lights.

Also: Senate Bill No. 440—An Act to provide for the compilation, printing, binding, and publishing of a Legislative Manual and State Blue Book, or Roster, making a continuous appropriation for same, and repealing conflicting Acts.

Also: Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, wood-working and carpenter shop, and for the necessary machinery for equipping and operating the same at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 15—An Act to provide for the erection of a modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, and appropriating money therefor.

Also: Senate Bill No. 379—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor.

Also: Senate Bill No. 404—An Act making an additional appropriation for the support and maintenance of the State Normal School at San José, Santa Clara County, California.

Also: Senate Bill No. 405—An Act making an appropriation to provide for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Also: Senate Bill No. 412—An Act making appropriation of money for the purchase of one hundred and sixty acres of additional land for the use of the Napa State Hospital at Napa.

Also: Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections, and the plumbing and connections of the Napa State Hospital at Napa.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Concurrent Resolution No. 11—Directing the State Printer to print 30,000 copies of Concurrent Resolution No. 10 (relative to welcoming the Epworth League International Convention, to be held in San Francisco July 18 to 21, 1901)—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Bill No. 430—An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of clerks of said board.

Also: Senate Bill No. 431—An Act making an appropriation for the payment of salaries of additional clerks in the office of the Secretary of the Board of Examiners for the balance of the fifty-second fiscal year.

Also: Senate Bill No. 571—An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 553, 416, 440, 518, 15, 379, 404, 405, 412, 415, 430, 431, and 571 ordered on file for second reading.

Senate Concurrent Resolution No. 11 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly reengrossed:

Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto.

Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State to abate any public nuisance in any way affecting him, or his family, or his property.

NELSON, Chairman.

Senate Bills Nos. 539 and 297 ordered on file for passage.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, and referred to committees as indicated:

By Senator Caldwell (by request): Senate Bill No. 610—An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 611—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Governments.

By Senator Selva: Senate Bill No. 612—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Passed on file.

Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance.

Passed on file.

Senate Bill No. 381—An Act to provide for the election of Justices of

District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Passed on file.

Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637*a*, for the protection of meadow larks.

Passed on file.

WITHDRAWAL OF BILL.

Senator Davis asked for unanimous consent to withdraw Senate Bill No. 177—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Consent granted.

Bill withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Passed on file.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 92—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Passed on file.

Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Passed on file.

Senate Bill No. 561—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock except for medicinal purposes, and making the same a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 561 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selva, Simpson, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146—An Act to amend Sections 974, 975, 976, 977, and 980 of the Code of Civil Procedure, relating to appeals from the Justices' and Police Courts to the Superior Court.

Passed on file.

Senate Bill No. 120—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts, in any part of the State, for the construc-

tion of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 120 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Hoey, Laird, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Plunkett, Rowell, Simpson, Smith of Los Angeles, and Taylor—23.

NOES—Senator Maggard—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent and regarding recording of notices of intention to sell certain personal property.

Passed on file.

Senate Bill No. 13—An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Davis, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and fifty-five minutes A. M., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600a, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 71 passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 250 refused passage by the following vote:

AYES—Senators Caldwell, Shortridge, Smith of Kern, Smith of Los Angeles, and Welch—5.

NOES—Senators Bettman, Burnett, Currier, Curtin, Davis, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Plunkett, Rowell, Selvage, and Taylor—19.

Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes.

Passed on file.

Senate Bill No. 436—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 436 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, and Taylor—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At twelve o'clock and ten minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 434 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nutt, Plunkett, Shortridge, Smith of Los Angeles, and Taylor—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, to reenact Section 3859 of said Code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said Code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Passed on file, and ordered to foot of file.

Senate Bill No. 429—An Act to define the duties and liabilities, and to limit the powers of employment agents.

Passed on file.

APPOINTMENT OF COMMITTEE.

In accordance with the resolution this day adopted, relative to adjournment out of respect to the memory of the Hon. Stephen M. White, and for the appointment of a committee to draft suitable resolutions, the President pro tem. appointed Senators Davis, Simpson, Taylor, Sims, and Ashe as such committee.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

During further second reading of bill, the following amendment to the amendment offered by Senator Laird pending:

Put in after the word "drugstore," in the amendment to Section 11, page seven, the words "advertised or otherwise."

The question being on the adoption of the amendment to the amendment. The same was adopted.

The following amendment was offered by Senator Taylor:

Amend by inserting the following at end of line thirty-five, Section 11, page seven: "Nor shall this Act apply to registered or copyrighted proprietary medicines registered in the United States Patent Office, nor the manufacture of proprietary remedies or the sale of the same in original packages by persons other than pharmacists."

Amendment adopted.

SPECIAL ORDER SET.

On motion of Senator Laird, further consideration of Senate Bill No. 310 was made special order for this day, immediately following special order already set for three o'clock and thirty minutes P. M.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Salvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—32.

Quorum present.

LEAVE OF ABSENCE.

Senator Tyrrell of Nevada was granted a leave of absence until Monday, February 25, 1901, on motion of Senator Oneal.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That the Secretary of the Senate be authorized to have printed five

hundred additional copies of the "Legislative Handbook," and the State Printer is directed to print and bind the same.

Resolution read and adopted.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

The hour for consideration of special order heretofore set, being the further consideration of Assembly Bill No. 15—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts—having arrived, the same was taken up.

Assembly Bill No. 15—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

During further second reading of bill, the following committee amendment was submitted:

At two o'clock and fifty minutes p. m., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

COMMITTEE AMENDMENT No. 1.

Amend by striking out the words "be required to deposit with said governing body, or such person as it may direct, the full amount of his or its said bid, within twenty-four hours thereafter," in lines twelve, thirteen, fourteen, and fifteen, page three, printed bill, and inserting in lieu thereof the following: "deposit immediately with said bid a check, signed by the bidder, payable to the treasurer of the city, for the amount of the cash bid. Said governing body of said city shall accept the same, providing they deem said bidder responsible. Said check shall be drawn payable immediately."

Amendment read.

On motion of Senator Taylor, all amendments submitted by the majority and minority of the committee were read, as follows:

COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "and renewals of franchises for piers, chutes, or wharves," in lines eleven and twelve, page one, printed bill.

MINORITY COMMITTEE REPORT ON ASSEMBLY BILL No. 15.

AMENDMENT No. 1.

Insert in line four, Section 1, after the word "power," the words "other than for domestic purposes."

AMENDMENT No. 2.

In line ten, Section 1, strike out the words "except steam railroads and," and in line eleven of Section 1, after the word "business," insert the words "except steam railroads."

AMENDMENT No. 3.

Strike out of line thirteen, Section 1, page two of the bill, the words "upon the conditions in this Act provided," and insert in lieu thereof, "in the manner provided by this Act."

AMENDMENT No. 4.

After the word "is," in line four, Section 2, insert "for a street railway."

AMENDMENT No. 5.

After the word "highest," in line thirteen, Section 2, insert the words "responsible cash."

AMENDMENT No. 6.

Strike out of line nineteen, Section 2, all the words after the word "case." Strike out lines twenty and twenty-one of Section 2, and in lieu thereof insert "no further action can be taken thereon until the expiration of twenty days from the completion of said publication."

AMENDMENT No. 7.

Insert in line five, Section 3, after the word "therein," the following: "which day shall not be less than twenty, nor more than sixty days after the completion of the publication."

AMENDMENT No. 8.

Insert in line seven, Section 3, after the word "municipality," the words "at least."

AMENDMENT No. 9.

In line ten, Section 3, before the word "no," insert the words "the amount of such percentage to be determined by the governing body of the municipality, and inserted in the publication."

AMENDMENT No. 10.

In line sixteen, Section 3, strike out the words "given at once," and insert in lieu thereof the words "be made annually in arrears, and the first payment shall be made one year from date of such renewal."

AMENDMENT No. 11.

Strike out all of Section 4, and insert in lieu thereof Section 7 of Council Bill, to be called Section 4 when it is inserted, to wit:

"SEC. 4. In case the franchise granted shall be for a street railroad, and said road shall be at any time operated in connection with, or as an extension, branch or part of a system of street railroads, then the gross annual receipts arising from the use, operation, or possession of said franchise shall be estimated to be the proportion of the total gross annual receipts of the entire system, including such extension, branch, or part which the mileage of the railroad for which such franchise is granted bears to the total mileage of said entire system, and said estimate shall be conclusive."

AMENDMENT No. 12.

Strike out Section 5, and insert in lieu thereof the following: "Said advertisement shall also contain a statement that said franchises will be granted to the person, firm, or corporation who shall make the highest sealed cash bid therefor. On the day stated in said notice the governing or legislative body must meet in open session, open and read the bids or tenders, and thereupon or within thirty days thereafter award the franchise to the highest responsible cash bidder; *provided, however,* that no bid shall be considered unless the same is accompanied with a bond, running to said municipality, with at least two good and sufficient sureties satisfactory to the said governing or legislative body, in a sum to be prescribed and set forth in the advertisement for bids; conditioned, that such bidder shall well and truly observe, fulfill, and perform each and all of the terms, conditions, and obligations of this Act, and of the franchise bid for by him, in case the same shall be awarded to him, and if the franchise is for a street railroad, said bond shall be further conditioned that the grantee thereof will commence the building of and fully construct, equip, and operate the road within the time specified and provided by this Act; and that in case of any breach of any condition of such bond the whole amount of the sum therein named shall be taken and deemed to be the liquidated and ascertained damages sustained by the breach thereof, and shall be recoverable by such municipality upon said bond. The governing or legislative body shall have the right in its discretion to reject any and all bids, and re-advertise in the manner herein provided."

AMENDMENT No. 13.

Insert in line ten, Section 6, after the word "granted," the words "and bond given therefor."

AMENDMENT No. 14.

In line eleven, Section 6, strike out the words "three years," and insert in lieu thereof the words "eighteen months."

AMENDMENT No. 15.

In line twelve, Section 6, after the word "granted," insert the words "and said bond."

AMENDMENT No. 16.

In line fifteen, Section 6, strike out the word "three," and insert in lieu thereof the word "six."

AMENDMENT No. 17.

Strike out all of Section 7 and insert in lieu thereof Section 5 of Council Bill, to be called "Section 7" when inserted, to wit:

"SEC. 7. Whenever an applicant for a franchise to construct or operate a street railroad upon any portion of a public street or highway, not already occupied by another street railroad, shall file with his application a petition, signed by the owners of two thirds of the frontage of the real property fronting along and upon the whole route of the road for which a franchise is applied for, praying that the same be granted, then said governing or legislative body may grant, directly to the applicant, the franchise

asked for, subject to such terms and conditions as the said governing or legislative body may prescribe, without first advertising the same for sale, and without regard to the requirements set forth in sections two, three, and four of this Act; *provided, however*, that the grantee of such franchise must be required, as a condition of the grant thereof to him, to give a bond running to the city and county, city or town, in which said railroad is to be operated, with at least two good and sufficient sureties, to be approved by said governing or legislative body, in a sum to be prescribed by it, conditioned that said grantee, his or its successors and assigns, shall well and truly observe, fulfill and perform all of the terms, conditions and obligations of the franchise granted to him, and will commence to build, fully construct, equip and operate the road within the time in this Act provided, and that in case of any breach of condition of such bond, the whole amount of the sum therein named shall be taken and deemed to be the liquidated and ascertained damages sustained by the breach thereof, and shall be recoverable from the principal and sureties upon the said bond. *And provided further*, that said grantee, his or its successors and assigns, must be required by the terms of said franchise to pay to the city and county, city, or town, in which said railroad is to be operated, from and after the expiration of five years from the date of the grant of said franchise, annually during the term thereof, a percentage of not less than three per cent (3 per cent) of the gross annual receipts arising from the use, operation, or possession of said franchise, the amount of said percentage to be fixed by the governing or legislative body at the time said franchise is granted. Nothing in this Act provided shall be construed as preventing the governing or legislative body of such municipality from granting direct without advertisement on such terms and conditions as they may deem just and proper a franchise to operate by electricity any existing street railroad, the motor power of which is now cable or horse-power; *provided, however*, that such right of privilege shall not extend beyond the period of termination of the original franchise, and provided that the grantee, his or its successors and assigns, must be required by the terms of said franchise to pay to the city and county, city, or town in which said franchise is granted, and during the term thereof, a percentage of not less than three per cent (3 per cent) of the gross annual receipts arising from the use, operation or possession of such franchise. The amount of said percentage to be fixed by the governing or legislative body at the time the franchise is granted, and the payment thereof to be made annually in arrears, and the first payment shall be made one year from the date of the granting of such franchise; *and provided further*, that nothing herein this Act contained shall prevent the granting of a special privilege for a term not exceeding one year."

AMENDMENT No. 18.

At the end of Section 7 insert the following:

"SEC. 8. It shall be the duty of the grantee of a franchise to construct or operate a street railroad granted under the provisions of this Act, his or its successors or assigns, to furnish to said governing or legislative body, within ten days after the expiration of six years from the date of the granting of said franchise, and within ten days after the expiration of each and every year thereafter, a statement, verified by the oath of said grantee, his or its successors or assigns, or by the oath of the manager or secretary of said grantee, his or its successors or assigns, showing the total gross receipts or gross earnings collected or received by said grantee, his or its successors or assigns, during the preceding twelve months, from all passengers carried over any part of the line for the construction and operation of which the said franchise was granted, and over any part of any street railway line or lines in connection with which said line may be in any manner operated or managed. And it shall be the duty of said grantee, his or its successors or assigns, within thirty days after the expiration of the time for filing the aforesaid statement, to pay to the city and county, city, or town in which said railroad is operated, the aggregate sum of the percentage of the gross annual receipts arising from the use, operation, or possession of said franchise, fixed, determined, and computed in the manner in this Act provided. The municipality shall have the right after the receipt of the statement herein provided for, through its proper and duly authorized officers or agents, at reasonable times, to examine the books of the grantee of such franchise for the purpose of verifying the same."

AMENDMENT No. 19.

In line one of Section 8, strike out the figure "8," and insert in lieu thereof the figure "9."

AMENDMENT No. 20.

In line one of Section 9, strike out the figure "9," and insert in lieu thereof the figures "10."

AMENDMENT No. 21.

In line one, Section 10, strike out the figures "10," and insert in lieu thereof the figures "11."

AMENDMENT No. 22.

In line one, Section 11, strike out the figures "11," and insert in lieu thereof the figures "12."

At three o'clock and fifteen minutes p. m., Hon. S. C. Smith, State Senator from the Thirty-fourth Senatorial District, in the chair.

The question being on the adoption of the above majority Committee Amendment No. 1.

Senator Cutter moved that all of the above amendments to the bill be laid on the table.

POINT OF ORDER.

Senator Taylor raised the point of order that only one amendment was before the Senate for adoption.

The acting Chairman held the point of order well taken.

The question then being on the adoption of the above majority Committee Amendment No. 1.

The same was lost.

TIME FOR CONSIDERATION OF SPECIAL ORDER EXTENDED.

On motion of Senator Bettman, the time for consideration of Assembly bills was extended until Assembly Bill No. 15 could be considered.

The question then being on the adoption of the above majority Committee Amendment No. 2.

The ayes and noes were demanded by Senators Taylor, Belshaw, and Caldwell.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Belshaw, Caldwell, Curtin, Lardner, Luchsinger, Rowell, Smith of Los Angeles, and Taylor—8.

NOES—Senators Bettman, Burnett, Byrnes, Corlett, Cutter, Devlin, Goad, Greenwell, Hoey, Laird, Leavitt, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Sims, Tyrrell of San Francisco, and Welch—24.

At three o'clock and thirty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senator Bettman moved that the minority report and amendments be not adopted.

The question then being, "Shall the minority report and amendments be adopted?"

The same were refused adoption.

The following amendment was offered by Senator Curtin:

Amend by adding to Section 7 in line eight, between the word "franchise" and the word "and," the following: "and will within the time specified in Section 6 of this Act complete the construction of the system for which said franchise was granted."

Amendment lost.

Bill read second time, and ordered on file for third reading.

LEAVE OF ABSENCE.

Senator Belshaw was granted leave of absence until Monday, February 25, 1901, on his own motion.

SPECIAL ORDER RESET.

The time for consideration of special order heretofore set for this hour, being the consideration of the question of receding from Senate Amendment No. 2 to Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—having arrived, Senator Davis moved that consideration of special order be postponed until Tuesday, February 26, 1901, at three o'clock and thirty minutes P. M., and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The time for consideration of special order heretofore set for this hour—being the further consideration of Senate Bill No. 310—having arrived, the same was taken up.

Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

During further second reading of bill, the following committee amendments were submitted:

AMENDMENT No. 1.

Amend Section 12 to read as follows:

"Sec. 12. Any proprietor of a pharmacy who, not being a registered pharmacist, shall, ninety days after this Act takes effect, fail or neglect to place in charge of such pharmacy a registered pharmacist; or any such proprietor who shall by himself or any other person, permit the compounding or dispensing of prescriptions, or the vending of drugs, medicines, or poisons, in his store or place of business, except by or in the presence and under the supervision of a registered pharmacist; or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy or store, or who, not being a registered pharmacist, shall retail, compound, or dispense drugs, medicines, or poisons; or any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to all costs of the action and to a fine not exceeding one hundred (100.00) dollars or imprisonment for a term not exceeding fifty (50) days, or to both such fine and imprisonment."

Amendment adopted.

AMENDMENT No. 2.

Amend Section 12 to read "Section 13."

Amendment adopted.

AMENDMENT No. 3.

Amend Section 13, Schedule "A," line four, after the word "acid," by inserting the words "wood alcohol."

Amendment adopted.

AMENDMENT No. 4.

An Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891, and all parts of Acts in conflict with this Act are hereby repealed.

Amendment adopted.

AMENDMENT No. 5.

SEC. 15. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Assembly Bill No. 319—An Act to amend an Act entitled "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State," approved March 9, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Assembly Bill No. 319 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant,

payable out of the Contingent Fund of the Senate, in favor of the Sergeant-at-Arms of the Senate for \$70, to be used for postage stamps for mailing Bulletin No. 19.

Recommend that the above resolution be amended as follows:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant, payable out of the Contingent Fund of the Senate, in favor of the Sergeant-at-Arms of the Senate for \$70, to be used for postage stamps for the mailing of Bulletin No. 19 and for the use of the Press Mailing Clerks, and the Treasurer is hereby directed to pay the same.

And recommend that it be adopted as amended.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Sims, Taylor, Tyrrell of San Francisco, and Welch—29.

NOES—None.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred pages fourteen, fifteen, and sixteen of the Governor's message, beg leave to report as follows: That bills covering the suggestions in said message have heretofore been submitted to the Senate, and we respectfully suggest that they receive a favorable consideration at your hands.

Also: Assembly Bill No. 191—An Act granting to the Trustees of the Leland Stanford Junior University corporate powers and privileges—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ONEAL, Chairman.

Assembly Bill No. 191 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 568—An Act to amend Section 1197 of the Political Code, relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

DEVLIN, Chairman.

Senate Bill No. 568 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Davis: Senate Joint Resolution No. 16—Relating to recommending the enactment of legislation by Congress for the construction of a highway in the Yosemite National Park.

Referred to Committee on Federal Relations.

By Senator Selvage: Senate Bill No. 613—An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou.

Bill read first time, and referred to Committee on County Government.

By Senator Oneal: Senate Bill No. 614—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural association therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all Acts amendatory thereof as are in conflict herewith," approved March

20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to agricultural associations.

Bill read first time, and referred to Committee on Agriculture.

By Senator Shortridge: Senate Concurrent Resolution No. 15—Relative to consent of the Legislature to absence from the State of State Senator Louis Oneal, of the Thirty-first Senatorial District, for a period not to exceed twenty months.

Ordered on file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

During second reading of bill, the following amendment was submitted by the committee:

Amend Section 27, line one, by striking out the word "immediately," and inserting in lieu thereof the words "September first, nineteen hundred and one."

The following amendments were offered by Senator Rowell:

Amend by striking out of Section 2, line eight, the figures "10," and inserting the figure "5."

Also: Amend Section 3, line three, by striking out the word "once," and inserting "twice."

Also: Amend by striking out of Section 16, line three, the words "twenty-five dollars," and inserting the words "fifteen dollars."

Also: In line four, strike out the figures "\$25.00," and insert "\$15.00."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILL WITHDRAWN FROM FILE AND REFERRED TO COMMITTEE.

On motion of Senator Laird, Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries—was withdrawn from the file and referred to Committee on Finance.

SECOND READING OF BILLS—(RESUMED).

Senator Taylor asked for and was granted unanimous consent to take up Senate Bill No. 556 for immediate consideration.

Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

During second reading of bill, the following amendment was offered by Senator Currier:

Amend by striking out of Section 1, line thirty-two, the words "these provisions," and inserting the following: "the provisions of this Act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

On motion of Senator Lukens, consideration of Senate Bill No. 539 was made special order for Friday, February 22, 1901, immediately to follow other special orders already set to follow the regular order after introduction of bills.

RECESS.

At the hour of four o'clock and twenty minutes P. M., on motion of Senator Nutt, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, and Welch—29.

Quorum present.

LEAVE OF ABSENCE.

Senator Hoey was granted leave of absence for the day, on motion of Senator Nutt.

Senator Wolfe was granted leave of absence for the day, on motion of Senator Leavitt.

RECESS.

At eight o'clock and fifteen minutes P. M., on motion of Senator Smith of Kern, the President of the Senate declared the Senate at recess for an hour and a half.

RECONVENED.

At nine o'clock and forty-five minutes P. M., the Senate reconvened.

Lieutenant Governor Jacob H. Neff, President of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—29.

Quorum present.

SPECIAL ORDER RESET.

The hour for consideration of special order, being the consideration of Senate Bill No. 142—An Act to divide the State into congressional districts and provide for the election of members of the House of Representatives of the United States therein; and Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—having arrived, Senator Cutter moved that consideration of special order be postponed until Friday, February 22, 1901, at eight o'clock P. M., and was therefore made special order for that date and hour.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 346—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to Public Administrators—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute therefor do pass.

Also: Senate Bill No. 550—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to legal holidays.

Also: Senate Bill No. 551—An Act to amend Sections 10, 11, and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days.

Also: Senate Bill No. 299—An Act to amend Section 290 of the Civil Code, relative to articles of incorporation.

Also: Senate Bill No. 300—An Act to amend Section 305 of the Civil Code, relating to corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 43—An Act to add a new section to the Code of Civil Procedure of this State, to be numbered Section 1976, relating to the proofs of ordinances of cities, counties, and cities and counties.

Also: Senate Bill No. 44—An Act amending the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered Section 1964, relating to proof of payments by municipal corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 208—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny—have had the same under consideration, and respectfully report the same back, and recommend that author be permitted to withdraw the same.

Also: Senate Bill No. 349—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DAVIS, Chairman.

Senate Bills Nos. 346, 550, 551, 299, 300, 43, 44, and 349 ordered on file for second reading.

Senate Bill No. 208 withdrawn and ordered stricken from the file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly reengrossed:

Senate Bill No. 305—Regulating the hours of service on regular duty by members of the police department of cities of the first class, and cities and counties.

NELSON, Chairman.

Senate Bill No. 305 ordered on file for passage.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 107—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3½, relating to the levying and equalizing and modifying and reapportionment and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder and remonstrances against such assessments and reassessments and against the improvements under said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

TAYLOR, Chairman.

Senate Bill No. 107 ordered on file for second reading.

INTRODUCTION OF CONCURRENT RESOLUTION— (OUT OF ORDER).

By Senator Ashe: Senate Concurrent Resolution No. 16—Relative to funeral of Hon. Stephen M. White.

Senator Ashe asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 16 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 16.

WHEREAS, In the death of Stephen M. White the people and the State of California have lost a wise and brave champion, who was recognized as one of the ablest statesmen who ever occupied a position in the halls of legislation, and who always endeavored to further the interests and promote the welfare of the people of the State of California. It is appropriate that this body should signify its respect to his memory: therefore, be it

Resolved by the Senate, the Assembly concurring. That a joint committee of three members: the Senate and five members of the Assembly, including the President of the Senate and Speaker of the Assembly, be appointed by the presiding officers of the respective houses to attend the funeral ceremonies of the deceased.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muenster, Nelson, Nutt, Pace, Rowell, Selvaige, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—31.

Concurrent resolution ordered immediately transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Ashe, Sims, and Curtin as such committee.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your special committee, to whom was referred the drafting of suitable resolutions out of respect to the memory of Hon. Stephen M. White, deceased, beg leave to recommend the adoption of the following resolutions:

WHEREAS, In the death of Stephen M. White the Union has lost a man who was a patriotic lover of constitutional liberty, and the State of California has lost one of her noblest and most gifted sons—a statesman of magnificent and splendid abilities, a lawyer of eminent and commanding talents, and a noble, energetic, and unselfish citizen, who was devoted to its interests; therefore, be it

Resolved, That the Senate receives with profound sorrow the intelligence of the death of Stephen M. White, formerly a Senator of the United States, and for four years a distinguished member of this body; and

Resolved, That the Senate tender its sympathies to the family of the deceased, and that the Secretary of the Senate be directed to forward a copy of these resolutions to them; and

Resolved, That a copy of these resolutions be printed in the Journal of the Senate, and that the Senate do now adjourn out of respect to the eminent public services and the private virtues of the deceased.

SIMS.
TAYLOR.
SIMPSON.
ASHE.
DAVIS.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., the above report and resolutions were unanimously adopted by a rising vote: whereupon the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, February 22, 1901.)

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Muenter, Nelson, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, and Welch—24.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Thursday, February 21, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, February 18, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Goad was granted leave of absence until Monday, February 25, 1901, on his own motion.

Senator Devlin was granted leave of absence until two o'clock P. M., on motion of Senator Burnett.

Senator Wolfe was granted leave of absence until Monday, February 25, 1901, on motion of Senator Leavitt.

MOTION TO POSTPONE CONSIDERATION OF SPECIAL ORDER.

Senator Simpson moved that consideration of special order heretofore set for this hour be postponed until Monday, immediately after reading of Journal.

The question being on the motion to postpone.

The roll was called, and motion lost by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Flint, Rowell, Simpson, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—9.

NOES—Senators Caldwell, Corlett, Currier, Cutter, Davis, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Selvage, Shortridge, and Smith of Kern—17.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set, being consideration of all Senate constitutional amendments on file, having arrived, the same was taken up.

Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section 13, relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district

(including school, reclamation, and irrigation districts) within said State.

Passed on file.

Senate Constitutional Amendment No. 4—Proposed constitutional amendment permitting State aid for high schools and technical schools.

During reading of constitutional amendment, the following amendments were submitted by the committee:

Amend by striking out the word "technical," in line three, first page of printed bill, and inserting in lieu thereof the word "polytechnic."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Oneal, Leavitt, and Tyrrell of San Francisco.

The roll was called, and amendment lost by the following vote:

AYES—Senators Burnett, Byrnes, Hoey, Laird, Nelson, Selvage, and Tyrrell of San Francisco—7.

NOES—Senators Caldwell, Corlett, Currier, Cutter, Lardner, Lukens, Maggard, Oneal, Rowell, Shortridge, Simpson, Smith of Kern, and Smith of Los Angeles—13.

Also:

In line nine, page two, strike out the word "technical," and insert in lieu thereof the word "polytechnic."

Amendment lost.

Also:

In the title, strike out the word "technical," and insert in lieu thereof the word "polytechnic."

Amendment lost.

Senate Constitutional Amendment No. 4 passed on file.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

During the reading of the constitutional amendment, the following amendments were submitted by the committee:

Amend by striking out of Section 8, line forty-eight, everything after the words "of the charter," in lines forty-eight, forty-nine, fifty, and fifty-one, and inserting the following: "Whenever twenty per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others."

The following amendment to the amendment was offered by Senator Luchsinger:

Amend committee amendment by striking out the word "twenty," and inserting in lieu thereof the word "fifteen"

Amendment to amendment adopted.

The question being on the original amendment.

The same was adopted.

Senate Constitutional Amendment No. 6 ordered to print and on file.

Senate Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to Section 3 of Article XV of the Constitution of the State of California, relating to harbor-fronts and tide-waters.

During reading of constitutional amendment, the following amendments were submitted by the committee:

Insert in the printed bill, in line three, paragraph one, page one, the word "seventh," after the word "the" and before the word "day."

Amendment adopted.

Also:

Insert in the printed bill, in line eight, paragraph two, page one, the words "so much of as may be necessary," after the word "lease" and before the words "the same."

Amendment adopted.

Also:

Insert in the printed bill, in line nine, paragraph one, page one, the words "subject to ratification by the Legislature, and," after the word "facilities," and before the word "reserving."

Amendment adopted.

Senate Constitutional Amendment No. 11 ordered to print and on file.

Senate Constitutional Amendment No. 15—Proposed amendment to Article VI of the Constitution, relative to the judiciary, and establishing Courts of Appeal.

During reading of the constitutional amendment, the following amendment was offered by Senator Caldwell:

Amend by striking out of Section 3, line twenty-six, page five of the printed bill, the word "regular," and inserting in lieu thereof the word "special."

Amendment pending.

MOTION TO SET SPECIAL ORDER.

Senator Smith of Kern moved that further consideration of Senate Constitutional Amendment No. 15, and pending amendment, be postponed until Monday, February 25, 1901, immediately following the regular order after introduction of bills, and made special order for that date and hour.

The question being on the motion to make special order.

The roll was called, and motion lost by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Cutter, Flint, Hoey, Maggard, Nutt, Rowell, Selvage, Sims, Smith of Kern, Tyrrell of San Francisco, and Welch—15.

NOES—Senators Caldwell, Curtin, Davis, Lardner, Leavitt, Lukens, Muentner, Pace, Shortridge, Simpson, Smith of Los Angeles, and Taylor—12.

CONSIDERATION POSTPONED.

Senator Smith of Kern moved that further consideration of pending amendment be postponed until Monday, February 25, 1901.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Cutter, Flint, Hoey, Luchsinger, Maggard, Nelson, Nutt, Rowell, Selvage, Sims, Smith of Kern, Tyrrell of San Francisco, and Welch—17.

NOES—Senators Caldwell, Davis, Lardner, Leavitt, Lukens, Muentner, Pace, Shortridge, Simpson, Smith of Los Angeles, and Taylor—11.

Senate Constitutional Amendment No. 16—Proposed amendment to Article V of the Constitution, relative to declaring elections of Governors.
Passed on file.

Senate Constitutional Amendment No. 17—Proposed amendment to Article IV of the Constitution, relative to time of assembling of the Legislature.
Passed on file.

Senate Constitutional Amendment No. 14—Proposing to the people of the State of California an amendment to Article II of the Constitution

of the State by adding a new section thereto, to be known as Section 6, relating to elections.

Passed on file.

Senate Constitutional Amendment No. 5—To submit to the people of the State of California an amendment to the Constitution of the State, amending Article IX by adding a new section thereto, to be known as section number —, relating to the control of State normal schools and to appropriations therefor.

Passed on file.

Senate Constitutional Amendment No. 13—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 8 of Article I thereof, relating to offenses.

Passed on file.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Committee Substitute for Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, the same was taken up.

Committee Substitute for Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Bill read second time, ordered engrossed and on file for third reading.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto—having arrived, on motion of Senator Lukens further consideration of said bill was made special order for Monday, February 25, 1901, immediately following the regular order after introduction of bills.

SPECIAL ORDERS SET.

On motion of Senator Caldwell, all pending Senate constitutional amendments on file were made special order for Monday, February 25, 1901, immediately following special order already set after the regular order of introduction of bills.

On motion of Senator Davis, further consideration of Committee Substitute for Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—was made special order for Monday, February 25, 1901, to immediately follow special order following the regular order after introduction of bills.

SPECIAL ORDER RESET.

The special order heretofore set for eight o'clock p. m. of this day, being the consideration of Senate Bill No. 142—An Act to divide the State into congressional districts and provide for the election of mem-

bers of the House of Representatives of the United States therein; and Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—on motion of Senator Leavitt was postponed until eight o'clock P. M. of Monday, February 25, 1901, and made special order for that date and hour.

PETITION.

The following petition was presented by Senator Maggard, and ordered printed in the Journal down to and including the tenth name:

To the HON. W. F. MAGGARD, Senator representing Senatorial District No. 4:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that, if passed by the Legislature, each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

Wm. L. Briggs, B. H. Brubaker, Persis Phelps, Edwin Edwards, O. L. Nichols, F. M. Transul, E. Cope, L. H. Jennings, W. E. Dietz, H. C. Smith (of Corning, California).

Like petitions were presented as follows:

By Senator Leavitt, with fifty-three names.

By Senator Corlett, with twenty-six names.

By Senator Flint, with forty-six names.

By Senator Lukens, with fifty-one names.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 7—Relative to arrangements for the funeral of Hon. S. M. White.

Also: Assembly Concurrent Resolution No. 6—Relative to tendering thanks to His Excellency William McKinley, President of the United States; His Excellency John Hay, Secretary of State; His Excellency Henry T. Gage, Governor of California, and to our Senators and Representatives, for prompt action in regard to the bubonic plague scare of 1900.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant

Assembly Concurrent Resolution No. 6 referred to Committee on Health.

The Secretary was directed to return Assembly Concurrent Resolution No. 7 to the Assembly.

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That the sum of \$40 be and the same is hereby appropriated from the Contingent Fund of the Senate to pay one half of the expense of engrossing eight copies of Senate Concurrent Resolution No. 2, relative to State Relief Committee in the Galveston affair, the remaining one half of said expense to be paid by the Assembly.

The Controller is authorized to draw his warrant for the said amount in favor of Jake J. Kocher, and the Treasurer is directed to pay same.

Resolution read, and referred to Committee on Contingent Expenses:

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Hospital, to whom was referred Senate Bill No. 61—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that while the plan proposed is feasible and desirable, yet in consideration of the fact that the State Board of Examiners at the present time are making an expert examination into all the questions involved in the passage of the bill, we deem it inexpedient to recommend its passage at this time.

Also: Senate Bill No. 596—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

Also: Senate Bill No. 359—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Also: Senate Bill No. 595—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 598—An Act to provide for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be referred to the Committee on Finance.

Also: Senate Bill No. 597—An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be referred to the Committee on Finance.

ROWELL, Chairman.

Senate Bill No. 61 ordered on file for second reading.

Senate Bill No. 596 withdrawn and ordered stricken from the file.

Senate Bills Nos. 359, 595, 598, and 597 referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 347—An Act to amend Section 1543 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the County Superintendent of Schools.

Also: Senate Bill No. 567—An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

LARDNER, Chairman.

Senate Bills Nos. 347 and 567 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 14—Approving amendments to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 5th day of February, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Bill No. 570—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 495—An Act to prohibit the payment of any bond, or the interest coupon of any bond, and to prevent the commencement of any action, or the rendering or enforcing of any judgment, for the payment of any bond or interest coupon of any bond of any county, city, city and county, town, township, or district in the State of California, until the taxes upon such bond or coupons have been fully paid; also providing for the taxing of bonds—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 150—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts—have

had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by the author.

Also: Senate Bill No. 212—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of Boards of Trustees of cities of the fifth class.

Also: Assembly Bill No. 232—An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TAYLOR, Chairman.

Senate Concurrent Resolution No. 14 ordered on file.

Senate Bills Nos. 570, 495, and 212, and Assembly Bill No. 232 ordered on file for second reading.

Senate Bill No. 150 withdrawn and ordered stricken from the file.

ON REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 22, 1901.

MR. PRESIDENT: Your Committee on Reformatories, to whom was referred Senate Bill No. 574—An Act to provide for the purchase of livestock, vehicles, and farm equipments for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be referred to Committee on Finance.

FRED M. SMITH, Chairman.

Senate Bill No. 574 referred to Committee on Finance.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 22, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 448—An Act regulating the keeping of restaurants to which are connected lodging-rooms or rooms furnished with sleeping accommodations in which meals, liquors, beer, wine, or other drinks are sold or served, and providing for the keeping of a register of names of occupants of such rooms and the investigation, inspection, and examination of such register and rooms by the police authorities and Sheriff of the place where such restaurants are located; and providing a penalty for violation of the conditions of such regulations.

Also: Senate Bill No. 500—An Act to amend Sections 419, 437, 447, 449, and 450 of the Civil Code, relating to insurance corporations.

Have had the same under consideration, and respectfully report the same back without recommendation.

SIMPSON, Chairman.

Senate Bills Nos. 448 and 500 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 22, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the sum of \$38.70 be and is hereby appropriated out of the Contingent Fund of the Senate to pay the actual expenses of the committee on visiting and examining the State Hospital at Stockton, under authority of resolution adopted by this body, and the State Controller is hereby directed to draw his warrant to the order of the Sergeant-at-Arms of the Senate for said sum of \$38.70, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrell of San Francisco, and Welch—25.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, and referred to committees as indicated:

By Senator Nelson: Senate Bill No. 615—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the distribution of its proceeds," approved March 23, 1893, and amended by an Act approved March 9, 1895, and further amended by an Act approved March 9, 1897.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Senator Byrnes: Senate Bill No. 616—An Act to amend Section 192 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Government.

By Senator Currier (by request): Senate Bill No. 617—An Act to add a new section, to be known as Section 15½, and to amend Sections 14, 21, 22, 26, 28, and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M., Senator Bettman moved to adjourn until Monday, February 25, 1901, at eleven o'clock A. M.

Senator Cutter moved to amend by taking a recess until two o'clock P. M. of this day.

Amendment lost.

Senator Smith of Kern moved to amend by adjourning until to-morrow at ten o'clock A. M.

Amendment lost.

The question being on the motion to adjourn until Monday, February 25, 1901, at eleven o'clock A. M.

The same was carried.

Whereupon the President pro tem. declared the Senate adjourned until Monday, February 25, 1901, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, February 25, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Lukens, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—24.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Friday, February 22, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 19, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senators Luchsinger, Muentner, Laird, Caldwell, Nutt, and Maggard were granted leave of absence until two o'clock of this day, on motion of Senator Smith of Los Angeles.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 278—An Act to amend Section 278 of the Penal Code of California, relating to child stealing.

Also: Passed Senate Bill No. 102—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

Also: Senate Bill No. 70—An Act to amend Section 600 of the Penal Code of California, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Also: Senate Bill No. 246—An Act to amend Section 638 of the Civil Code of the State of California.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 278?"

Strike out from lines seven, eight, and nine of Section 1 of the printed bill the words "or with the intent to demand any reward, ransom, or compensation for the restoration of such child."

The roll was called, and Assembly amendment to Senate Bill No. 278 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Lukens, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—None.

Senate Bills Nos. 102, 70, and 246 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 16, relative to the death and funeral arrangements of the Hon. Stephen M. White, and in accordance therewith the Speaker appointed the following committee of five Assemblymen: Messrs. James, Anderson, Melick, Cowan, and Guilfoyle.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Concurrent Resolution No. 16 ordered to enrollment.

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That on Tuesday morning, immediately after the reports of standing committees, the Secretary shall call the roll of Senators, and as each name is called the

Senator shall be allowed to place a bill on a file to be known as the "Special Urgency File"—said file to be considered daily immediately after the report of standing committees, and until twelve o'clock and thirty minutes P. M., until all bills thereon shall have been disposed of. This file shall not in any way conflict with the Special Assembly File, to be considered between two o'clock and three o'clock and thirty minutes P. M. each day.

Resolution read.

SPECIAL ORDER SET.

On motion of Senator Leavitt, further consideration of the above resolution was made a special order for this day at three o'clock and thirty minutes P. M.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the sum of \$40 be and the same is hereby appropriated from the Contingent Fund of the Senate to pay one half of the expense of engrossing eight copies of Senate Concurrent Resolution No. 2, relative to State Relief Committee in the Galveston affair, the remaining one half of said expense to be paid by the Assembly; the Controller is authorized to draw his warrant for the said amount in favor of Jake J. Kocher, and the Treasurer is directed to pay same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Cutter, Flint, Goad, Greenwell, Lardner, Leavitt, Lukens, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrell of San Francisco, and Welch—22.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 22, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 109—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by the author.

Also: Senate Bill No. 467—An Act making an appropriation to pay the claim of Christopher McNulty, for injuries received on property belonging to the State of California.

Also: Senate Bill No. 606—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Also: Assembly Bill No. 24—An Act making an appropriation to pay the claim of The American Type Founders' Company, as an assignee, for publishing the proposed constitutional amendments.

Also: Assembly Bill No. 229—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Also: Assembly Bill No. 368—An Act making an appropriation to pay the claim of O. O. Webber for costs of suit in foreclosing delinquent purchasers of State school lands.

Also: Assembly Bill No. 369—An Act appropriating \$300 to pay the claim of George E. Dierssen, as assignee of George H. Stewart, for the arrest of W. H. Harrall, a highway robber (said Harrall being killed while resisting arrest).

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 543—An Act making an appropriation to pay for the providing of additional committee rooms in the attic of the State Capitol, and requiring that the work be done under the direction of the Secretary of State—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 526—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme

Court for the fiftieth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 467, 606, 543, and 526, and Assembly Bills Nos. 24, 229, 368, and 369 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Smith of Los Angeles asked for unanimous consent to withdraw Senate Bill No. 109.

Consent granted.

Bill withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 530—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by an attachment in an action wherein the said person, partnership, corporation, or association is not the alleged debtor, to release the property, or interest therein, claimed from the attachment lien and levy; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking; and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted.

Also: Senate Bill No. 531—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court, or admitted.

Also: Senate Bill No. 528—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee, grantee may sell, incumber, transfer, convey, mortgage, pledge or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledger of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment, in said action, upon the said undertaking.

Also: Assembly Bill No. 23—An Act to provide for the quieting and confirmation of titles to real property.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Code Revision.

Also: Senate Bill No. 584—An Act to amend Section 475 of the Political Code of the State of California, relating to clerks and phonographic reporter in the office of the Attorney-General, and fixing the salary thereof.

Also: Assembly Bill No. 76—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 1143, relating to the payment of jurors' fees.

Also: Assembly Bill No. 264—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 299, relating to crimes and penalties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DAVIS, Chairman.

Senate Bills Nos. 393 and 584, and Assembly Bills Nos. 76 and 264 ordered on file for second reading.

Senate Bills Nos. 530, 531, 528, and Assembly Bill No. 23 referred to Committee on Code Revision.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 22, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 231—An Act to amend Section 571 of the Civil Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Assembly Bill No 231 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Davis: Senate Bill No. 618—An Act to amend Sections 1593, 1615, and 1713, and to repeal Section 1714 of the Political Code of the State of California, relating to the public schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 619—An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians, and who are not confined at State hospitals for the insane.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 620—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Taylor: Senate Bill No. 621—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians or minors.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 622—An Act to amend the Penal Code by adding one new section to the Title VII thereof, relative to crimes against public justice, said section to be numbered 181.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 623—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as Section 214½, creating the office of Humane Officer in counties of the third class, providing for his appointment, and fixing the term of office, duties, and compensation of such officer.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 624—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as Section 1523, relating to the compilation of text-books for use in the public schools of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 625—An Act amending Section 2237 of the Political Code, relating to the name and purpose of the Deaf, Dumb, and Blind Asylum.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 626—An Act to encourage the manufacture and sale of California-made articles by adding a new section to the Political

Code which will prohibit the collection of a license tax from solicitors for the sale of articles manufactured or produced within this State.

Bill read first time, and referred to Committee on County Government.

By Senator Cutter: Senate Bill No. 627—An Act to authorize and empower the Board of Directors of San Quentin State Prison to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold.

Bill read first time, and referred to Committee on Prisons.

By Senator Shortridge: Senate Bill No. 628—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases, and to manage said California Redwood Park.

Bill read first time, and referred to Committee on Forestry.

By Senator Oneal: Senate Bill No. 629—An Act to provide for the deportation of insane persons who have been, or who may hereafter be, committed to State hospitals for the insane, and who have not acquired a residence in this State, and to make an appropriation to pay for the transportation of such insane persons to the State or country to which they belong.

Bill read first time, and referred to Committee on Hospitals.

By Senator Wolfe: Senate Bill No. 630—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursements of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Bill read first time, and referred to Committee on Health.

By Senator Devlin: Senate Bill No. 631—An Act to amend Section 853 of the Political Code of this State, relating to absence of officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 632—An Act to add a new section to the Political Code, to be known as Section 1292a, relating to proposed amendments to the Constitution of this State and the canvass of votes for and against the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith of Los Angeles: Senate Bill No. 633—An Act to amend Section 473 of the Civil Code of the State of California, relating to consolidation of railroad corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Oneal: Senate Constitutional Amendment No. 19—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article VI of the Constitution of the State of California, relating to the Supreme Court.

Referred to Committee on Constitutional Amendments.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of

California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto—having arrived, the same was taken up.

Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time on a previous day.

At twelve o'clock and twenty-five minutes P. M., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

Motion carried.

Time, twelve o'clock and twenty-eight minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors. The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Corlett, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Lukens, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and fifty-five minutes P. M., Senator Welch was brought to the bar of the Senate, and, on motion of Senator Smith of Los Angeles, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and fifty-six minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 539 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Lukens, Oneal, Pace, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—21.

NOES—Senators Cutter, Goad, Nutt, Simpson, and Smith of Kern—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and fifty-eight minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

LEAVE OF ABSENCE.

Senator Hoey was granted leave of absence for the day, on motion of Senator Tyrrell of San Francisco.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 15—An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 15 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Plunkett, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senators Caldwell and Taylor—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 175—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 175 refused passage by the following vote:

AYES—Senators Byrnes, Devlin, Nutt, and Rowell—4.

NOES—Senators Belshaw, Bettman, Burnett, Corlett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Leavitt, Maggard, Nelson, Oneal, Plunkett, Shortridge, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—21.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 303—An Act to add a new section to the Penal Code of the State of California, to be numbered 373½, relating to public nuisances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 303 refused passage by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Currier, Davis, Flint, Lardner, Luchsinger, Lukens, Muentner, Nutt, and Shortridge—12.

NOES—Senators Bettman, Corlett, Cutter, Goad, Greenwell, Laird, Leavitt, Maggard, Nelson, Oneal, Plunkett, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—15.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279—An Act making an appropriation to pay the claim of Fred B. Blakeley for the arrest of Ygnacio Eisler, a highway robber.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that Assembly Bill No. 279 was refused passage by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Currier, Curtin, Devlin, Lardner, Leavitt, Maggard, Nutt, Oneal, Plunkett, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—18.

NOES—Senators Belshaw, Burnett, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Laird, Luchsinger, Lukens, Muentner, Nelson, Rowell, and Wolfe—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 279 was on this day refused passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 145—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Lukens, Maggard, Nutt, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Bettman, Burnett, Luchsinger, Nelson, Oneal, Plunkett, and Rowell—7.

- Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 52—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 52 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—Senator Nelson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 176—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 176 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Shortridge, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 167—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 finally passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 427—An Act to amend Section 3825 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 427 finally passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 297—An Act to amend Section 1770 of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 297 finally passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 296—An Act to amend Section 1777 of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 296 finally passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 35—An Act entitled an Act to add a new section to the Penal Code, to be numbered 1588, to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide a penalty for the violation of said Act.

Read third time, and temporarily passed on file.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 8 of Article XII of the Constitution of the State of California, in relation to corporations.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 2 refused adoption by the following vote:

AYES—Senators Selvage and Taylor—2.

NOES—Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Shortridge, Simpson, Smith of Kern, and Tyrrell of San Francisco—24.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 54—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Read third time.

Senator Smith of Kern moved to refer to Senator Nutt as a special committee of one to amend as follows:

Amend by inserting in Section 1, line four, after the word "certified," the following: "Shall be presented to the governing body having control of the streets, roads, alleys, and highways in the territory shown on the map or plat, and said governing body shall indorse thereon which streets, roads, alleys, and highways offered by said map or plat they accept on behalf of the public, and thereupon such streets, roads, alleys, and highways only as have been thus accepted shall be and become dedicated to public use. When so indorsed, and not before, said map or plat."

Motion pending.

ASSEMBLY BILL STRICKEN FROM FILE.

On motion of Senator Cutter, the Secretary was directed to request the Assembly to recall Assembly Bill No. 191—An Act granting to the trustees of the Leland Stanford Junior University corporate powers and privileges.

A similar bill having passed both houses of the Legislature, Assembly Bill No. 191 ordered stricken from the file.

WITHDRAWAL OF BILL.

Senator Simpson asked for unanimous consent to withdraw Senate Bill No. 92—An Act making an appropriation to pay the claim of the State Board of Horticulture for moneys expended in behalf of the State of California.

Consent granted.

Bill withdrawn and ordered stricken from file.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of all Senate constitutional amendments on file, having arrived, on motion of Senator Devlin the same was postponed until Tuesday, February 26, 1901, immediately following the regular order of the reports of standing committees, and was therefore made a special order for that date and hour.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Committee Substitute for Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, on motion of Senator Devlin the same was postponed until Tuesday, February 26, 1901, immediately following the special orders already set to follow the regular order after the report of standing committees.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of the resolution this day offered by Senator Leavitt relative to the creation of a Special Urgency File of Senate bills, having arrived, the same was taken up.

Resolved, That on Tuesday morning, immediately after the reports of standing committees, the Secretary shall call the roll of Senators, and as each name is called the Senators shall be allowed to place a bill on a file to be known as the "Special Urgency File," said file to be considered daily immediately after the reports of standing committees, and until twelve o'clock and thirty minutes P. M., until all bills thereon shall have been disposed of. This file shall not in any way conflict with the Special Assembly File, to be considered between two and three o'clock and thirty minutes P. M. each day.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Selva, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—31.

NOES—None.

SUSPENSION OF RULES.

Senator Curtin asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Committee Substitute for Senate Bill No. 592.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Curtin:

Resolved, That Committee Substitute for Senate Bill No. 592 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—33.

NOES—None.

CASE OF URGENCY.

Committee Substitute for Senate Bill No. 592—An Act to amend an Act entitled "An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled 'An Act to provide for the organization and government of irrigation districts and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same," approved April 1, 1897, by repealing Sections 2, 3, 5, 6, 7, 8, 9, and 10, and by amending Sections 4, 16, 17, and 18 thereof.

Committee's substitute for bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 592 passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—26.

NOES—Senator Maggard—1.

Title read and approved.

Committee Substitute for Senate Bill No. 592 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV

thereof, to be known as Section 637a, for the protection of meadow larks—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

J. G. TYRRELL, Chairman.

Senate Bill No. 361 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 503—An Act to amend an Act entitled "An Act to regulate the sale of certain poisonous substances," approved April 16, 1880.

Also: Senate Bill No. 533—An Act to provide for the organization and management of State mutual fire insurance companies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senate Bills Nos. 503 and 533 ordered on file for second reading.

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Assembly Bill No. 281—An Act to provide for the location, construction, and maintenance of a State highway from a point at or near Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

LUCHSINGER, Chairman.

Senate Bill No. 281 referred to Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly reengrossed:

Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Committee Substitute for Senate Bill No. 209—An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Committee Substitute for Senate Bills Nos. 311 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Also: Have found the following bills correctly engrossed:

Senate Bill No. 365—An Act for the relief of J. E. Atkinson for personal injuries received by him while in the service of the State.

Senate Bill No. 250—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands.

Substitute for Senate Bill No. 356—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Bateman Brothers for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Senate Bill No. 476—An Act making an appropriation to pay the County of Alameda for the support of orphans, half-orphans, and abandoned children during the half year ending June 30, 1898.

Senate Bill No. 427—An Act to regulate the employment hours of labor, etc., of children, and to prohibit the employment of minors under a certain age.

NELSON, Chairman.

Senate Bills Nos. 304 and 408, Committee Substitute for Senate Bill No. 209, and Committee Substitute for Senate Bills Nos. 311 and 382 ordered on file for passage.

Senate Bills Nos. 365, 290, 476, 427, and Substitute for Senate Bill No. 356 ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Caldwell asked for unanimous consent to withdraw Senate Bill No. 271—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Consent granted.

Bill withdrawn and ordered stricken from the file.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Leavitt: Senate Bill No. 634—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 635—An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III, of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II of Title VI of Part III of said code, and substitute the same in place of said repealed Chapter II in said code, relating to roads and highways," approved February 28, 1883, relating to the issuance and refunding of a bonded indebtedness of the county for the construction, maintenance, and repair of roads, and the levying of taxes to pay the interest and redemption thereof.

Bill read first time, and referred to Committee on Highways.

By Senator Wolfe: Senate Bill No. 636—An Act to add a new section to the Civil Code, numbered 638a, relating to withdrawals from mutual building and loan associations.

Bill read first time, and referred to Committee on Corporations.

By Senator Selva: Senate Bill No. 637—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Corlett: Senate Bill No. 638—An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 639—An Act to appropriate the sum of \$2,000 to pay the claim of John C. Pelton for money due and owing the said John C. Pelton from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Tyrrell of Nevada: Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

Bill read first time, and referred to Committee on Corporations.

By Senator Simpson: Senate Bill No. 641—An Act to amend Section 1665 and to repeal Section 1666 of the Political Code of the State of California, relating to the course of study for the public schools of this State.

Bill read first time, and referred to Committee on Education.

By Senator Lukens: Senate Bill No. 642—An Act to amend Section 3653 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 643—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as Section 1523, relating to the compilation of text-books for use in the public schools of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance.

Passed on file, and ordered to foot of file.

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Passed on file, and ordered to foot of file.

Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Senator Taylor moved that Senate Bill No. 277 be passed on file, to retain its place on file.

The question being on the motion.

The roll was called, and motion carried by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Muenter, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—31.

NOES—None.

Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Passed on file, and ordered to foot of file.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file, and ordered to foot of file.

Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 557 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—30.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146—An Act to amend Sections 974, 975, 976, 977, and 980 of the Code of Civil Procedure, relating to appeals from the Justices' and Police Courts to the Superior Court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 146 passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent, and regarding recording of notices of intention to sell certain personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 508 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At four o'clock and forty minutes P. M., Senator Bettman moved that the Senate take a recess until eight o'clock P. M. of this day.

Motion lost.

WITHDRAWAL OF BILL.

Senator Simpson asked for unanimous consent to withdraw Senate Bill No. 193—An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and punish persons violating the provisions of this Act.

Consent granted.

Senate Bill No. 193 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Caldwell moved a call of the Senate

The question being on the adoption of motion for a call of the Senate.

The ayes and noes were demanded by Senators Caldwell, Belshaw, and Simpson.

The roll was called, and motion carried by the following vote:

AYES—Senators Belshaw, Caldwell, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Luchsinger, Lukens, Muentner, Nutt, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—19.

NOES—Senators Bettman, Burnett, Byrnes, Cutter, Laird, Leavitt, Maggard, Nelson, Plunkett, Shortridge, Sims, Tyrrell of San Francisco, and Wolfe—13.

Time, four o'clock and forty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and forty-five minutes P. M., Senator Oneal was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused for absence from the Senate Chamber.

At four o'clock and forty-seven minutes P. M., Senator Davis was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused.

At four o'clock and fifty minutes P. M., Senator Corlett was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and fifty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 252 was refused passage by the following vote:

AYES—Senators Belshaw, Corlett, Currier, Davis, Flint, Goad, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—19

NOES—Senators Bettman, Burnett, Byrnes, Caldwell, Curtin, Cutter, Devlin, Lardner, Maggard, Nelson, Oneal, Pace, Plunkett, Shortridge, Sims, Taylor, Tyrrell of San Francisco, and Wolfe—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Caldwell gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 252 was this day refused passage.

RECESS.

At the hour of five o'clock P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

Quorum present.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein; and Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—having arrived, the same was taken up.

Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

During second reading of bill, the following amendment was offered by Senator Cutter:

Amend by adding at the end of subdivision one, line four, Section 1, page one, printed bill, the following: "Del Norte, Humboldt, Siskiyou, Trinity, Tehama, Shasta, Modoc, Lassen, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Mono, Mariposa, and Tuolumne."

Amendment adopted.

The following committee amendments were offered:

AMENDMENT No. 1.

Amend by adding at the end of subdivision two, line five, Section 1, page one, printed bill, the following: "Mendocino, Glenn, Colusa, Butte, Sutter, Yuba, Sacramento, Yolo, Lake, Napa, Sonoma, and Marin."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding at the end of subdivision five, line ten, Section 1, page one, printed bill, the following: "San Mateo and Santa Clara."

Amendment adopted.

AMENDMENT No. 3.

Amend by adding at the end of subdivision six, line eleven, Section 1, page one, printed bill, the following: "Santa Cruz, Monterey, San Benito, Fresno, Kings, Madera, Merced, Stanislaus, and San Joaquin."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "Kern," in line fourteen, section one, printed bill, the words "Tulare, Inyo."

Amendment adopted.

SPECIAL ORDER SET.

On motion of Senator Cutter, further consideration of Senate Bill No. 142 was made special order for Tuesday, February 26, 1901, at eight o'clock P. M.

CONSIDERATION OF SPECIAL ORDERS—(RESUMED).

Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

During second reading of bill, the following amendments were offered:
By Senator Leavitt:

Amend by striking out of Section 1 all of lines eighteen to twenty-one, both inclusive, and inserting the following:

"13. All that portion of the County of Alameda comprising the Townships of Washington, Murray, and Eden.

"14. All that portion of the County of Alameda comprising the Township of Alameda, all that portion of Brooklyn Township lying outside of the City of Oakland, and all that portion of Brooklyn Township lying within the City of Oakland lying south of East Fourteenth Street.

"15. All that portion of Alameda County comprising all that portion of Brooklyn Township not contained in the Fourteenth Senatorial District as set forth in this Act, and all that further portion of the County of Alameda bounded as follows: Commencing at a point on the western boundary of Brooklyn Township at a point where said boundary line is intersected by Thirteenth Street, thence along the center of the following-named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to San Pablo Avenue, San Pablo Avenue to Adeline, Adeline to Parker, Parker to Grant, Grant to the northerly boundary line of the City of Berkeley; thence easterly along said northerly boundary line of the City of Berkeley to the boundary line of the County of Alameda, thence easterly and southerly along said boundary line of the County of Alameda to a point where intersected by the westerly boundary line of Brooklyn Township; thence southerly and westerly along said boundary line of Brooklyn Township to the point of beginning.

"16. All that portion of the County of Alameda bounded as follows: Commencing at a point on the westerly boundary line of Brooklyn Township where intersected by Thirteenth Street extended; thence along the center of the following streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to San Pablo Avenue, San Pablo Avenue to Adeline, Adeline to Parker, Parker to Grant, Grant to the northerly boundary line of the City of Berkeley; thence easterly along said northerly boundary line of the City of Berkeley to the intersection of the northerly boundary line of the County of Alameda; thence northerly and westerly along said northerly boundary line of Alameda County to the intersection of the westerly boundary line of the County of Alameda; thence southerly along said westerly boundary line of Alameda County to the southerly boundary line of the City of Oakland in Oakland Creek; thence easterly along the southerly boundary line of the City of Oakland in said creek to the point of intersection of the boundary line between the Sixth and Seventh wards of the City of Oakland; thence northerly along said line to the point of beginning."

Amendment adopted.

By the committee:

Amend by striking out the period at the end of subdivision twenty-seven, line thirty-two, Section 1, page two, printed bill, and adding the following: "embraced in the precincts of Agnews, Alviso, Berryessa, Cupertino, Hester, Jefferson, Mountain View number one, Mountain View number two, Mayfield number one, Mayfield number two, Milpitas, Orchard, Palo Alto, Saratoga, University, and the First, Second and Third wards of the City of San José."

Amendment adopted.

By Senator Simpson:

Amend by striking out of Section 1 all of subdivisions thirty-four to thirty-eight, both inclusive, and inserting the following:

"Senatorial District No. 34. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Catalina, San Pedro numbers one, two, and three, Wilmington, Compton one and two, Florence, Redondo, Wiseburn, Gardena, Hyde Park, Ballona, Santa Monica numbers one, two, and three, San Vicente, National Military Home numbers one, two, three, four, and five, Monte Vista, Cahuenga, Los Angeles precincts numbers seventy, seventy-one, seventy-two *a*, seventy-two *b*, seventy-three *a*, seventy-three *b*, seventy-four, seventy-five, seventy-six, seventy-seven, Calabasas, Lankershim, Chatsworth, San Fernando, Acton, Newhall, La Liebre, Del Sur, Lancaster, Palmdale, Llano, La Cañada, Burbank, and Glendale.

"35. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Pomona numbers one, two, three, four, and five, Claremont, Lordsburg, Spadra, Glendora, Azusa, Azusa City, Rowland, Covina, El Monte, Monrovia, Duarte, Rivera, Los Nietos, Whittier City, East Whittier, North Pasadena numbers one and two, Lamanda, Sierra Madre, San Gabriel, Alhambra,

Fruitland, Downey numbers one and two, Norwalk, Artesia, Clearwater, Cerritos, Long Beach numbers one and two, and Terminal.

"36. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers fifty-seven *a*, fifty-seven *b*, fifty-eight *a*, fifty-eight *b*, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four *a*, sixty-four *b*, sixty-five, sixty-six, sixty-seven, sixty-eight, one, two, three *a*, three *b*, four, five, six, Garvanza, Pasadena numbers one, two, three, four, five, six, seven, and eight, and South Pasadena.

"37. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, sixty-nine, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four *a*, and thirty-four *b*.

"38. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers thirty-five *a*, thirty-five *b*, thirty-six, thirty-two, thirty-one, thirty-seven, thirty-eight *a*, thirty-eight *b*, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four *a*, forty-four *b*, forty-five *a*, forty-five *b*, forty-six, forty-seven, forty-eight *a*, forty-eight *b*, forty-nine *a*, forty-nine *b*, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, and fifty-six."

Amendment adopted.

By the committee:

Amend by striking out the period at the end of subdivision two, line four, Section 2, printed bill, and adding the following: "Comprising the townships of Orleans, Klamath, Trinidad, Mad River, Union, Eureka, and Bucksport."

Amendment adopted.

By Senator Lardner:

Amend in line thirteen, page three of printed bill, by striking out the words "and El Dorado"; also, by striking out the word "counties," in said line thirteen, and inserting the word "county," and by adding a period after the word "Placer."

Amendment lost.

By Senator Cutter:

Amend by striking out of Section 2, line fourteen, the words "and Calaveras," and inserting the following: "Calaveras, Alpine, and Mono."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by striking out the period at the end of subdivision thirteen, line sixteen, Section 2, page three, printed bill, and adding the following: "Comprising the townships of Avaly, Bodega, Mendocino, Ocean, Petaluma, Redwood, Salt Point, and Vallejo."

Amendment adopted.

By Senator Cutter:

Amend by striking out of Section 2, line twenty-three, the word "district," and inserting the words "and eighteenth districts."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by striking out the period at the end of subdivision twenty-two, line twenty-seven, Section 2, page three, printed bill, and adding the following: "Comprising the City of Stockton."

Amendment adopted.

By Senator Cutter:

Amend by striking out of Section 2, line thirty, the words "and Merced," and inserting the words "Merced and Madera."

Amendment adopted.

Also:

Amend by striking out of Section 2, line thirty-one, the comma and words "Mariposa and Madera," and inserting the words "and Mariposa."

Amendment adopted.

Also:

Amend by striking out of Section 2 all of line thirty-two.

Amendment adopted.

Also:

Amend by striking out of Section 2, line thirty-three, the period, and inserting the words "and Inyo."

Also: By striking out the word "county" and inserting the word "counties."

Amendments adopted.

By Senator Devlin:

Amend by striking out period and adding at end of line twenty-one the words, "composed of that part of the City of Sacramento lying north of the center of K Street of said city"; and also add, after end of line twenty-one, the following: "18. All that portion of the County of Sacramento composed of that part of the City of Sacramento lying south of the center of K Street of said city"; and also amend by numbering the districts to correspond with these amendments.

Amendment adopted.

By Senator Cutter:

Amend Section 2 of page three, lines twenty-two to thirty-two, both inclusive, by renumbering the respective paragraphs as follows: On line twenty-two to "19," on line twenty-four to "20," on line twenty-five to "21," on line twenty-six to "22," on line twenty-seven to "23," on line twenty-eight to "24," on line thirty to "25," on line thirty-one to "26."

Amendment adopted.

By Senator Davis:

Amend by striking out of Section 2, line twenty-nine, page three of the printed bill, the words "twenty-second," and inserting the words "twenty-third."

Amendment adopted.

By Senator Leavitt:

Amend by striking out of Section 2 all of lines fifty-two to fifty-eight, both inclusive, and inserting the following:

"46. All that portion of the County of Alameda comprising the Townships of Murray, Washington, and Eden.

"47. All that portion of the County of Alameda comprising the Township of Alameda.

"48. All that portion of the County of Alameda comprising that portion of the City of Oakland bounded as follows: Commencing at a point on the westerly line of Brooklyn Township, where the same is intersected by Thirteenth Street extended, continuing thence along the center of the following-named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to Twelfth, Twelfth to Adeline, Adeline to the shore line of Oakland Creek, and thence extended to the boundary line of said City of Oakland in said creek; thence along said boundary line in said creek to the intersection of said boundary line with the boundary line between the Sixth and Seventh wards of said City of Oakland, and thence along said last mentioned boundary line to the place of beginning.

"49. All that portion of the County of Alameda comprising all that portion of the City of Oakland bounded as follows: Commencing at a point on the southerly boundary line of the City of Oakland in Oakland Creek, where said boundary line is intersected by Adeline Street extended, and thence along the line of the center of the following-named streets: Adeline to Twelfth, Twelfth to Market, Market to San Pablo Avenue, San Pablo Avenue to Adeline Street, Adeline Street to the point of intersection of Adeline Street with the northern boundary line of the Town of Emeryville, thence by runs and courses westerly and northerly in the direction of and following the line of the boundary of the Town of Emeryville to the point of intersection of the said boundary line with the western boundary line of the County of Alameda, thence southerly and easterly following said county boundary line to the point of beginning.

"50. All that portion of the County of Alameda comprising all that portion of the City of Oakland bounded as follows: Commencing at a point on the westerly line of Brooklyn Township where the same is intersected by Thirteenth Street extended, and thence along the center of the following named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to San Pablo Avenue, San Pablo Avenue to Adeline Street, Adeline Street to a point where the same crosses Temescal Creek, thence easterly by meanders to a point where the same is crossed by Shattuck Avenue, thence southerly to Forty-fifth Street, Forty-fifth to Broadway, thence northerly along Broadway to the boundary line of the City of Oakland, thence southerly and easterly by meanders along said boundary line to the point of intersection with Brooklyn Township, thence southerly and westerly by meanders along the westerly boundary line of Brooklyn Township to the point of beginning.

"51. All that portion of the County of Alameda comprising the Township of Brooklyn.

"52. All that portion of Alameda County bounded as follows: Commencing at the point where the southerly line of the Town of Berkeley intersects the westerly boundary line of the County of Alameda, thence easterly along said southerly line of the City of Berkeley to the easterly boundary line of the Town of Emeryville, thence southerly and along the boundary line between the Town of Emeryville and the City of Oakland to the point where Adeline Street intersects said boundary line, thence easterly along the line of Temescal Creek to Shattuck Avenue, thence southerly along the center line of Shattuck Avenue to Forty-fifth Street, thence easterly along the center line of Forty-fifth Street to Broadway, thence along the center line of Broadway to its intersection with the boundary line of the City of Oakland, thence southerly and easterly along said boundary line to the point of intersection with the westerly boundary line of Brooklyn Township, thence in a general direction northerly by runs and courses along the boundary line of Brooklyn Township to the point where it intersects the boundary line of Alameda County, thence westerly by runs and courses along the said boundary line of Alameda County, and southerly along said westerly boundary line of Alameda County to the point of beginning."

Amendment adopted.

COMMITTEE AMENDMENT No. 5.

Amend by striking out the period at the end of subdivision fifty-five, line sixty one, Section 2, page four, printed bill, and adding the following: "Comprised in the precincts of Alma, Almaden, Berryessa, Burnett, East San José, Evergreen, Gilroy No. 1, Gilroy No. 2, Guadalupe, Highland, Las Animas, Llagas, Morgan Hill, Mount Hamilton, Pioneer, Rucker, San Felipe, Solis, Union, Uvas, Vineland, Los Gatos No. 1, Los Gatos No. 2, Wrights, San Ysidro, and the Third Ward of the City of San José."

Amendment adopted.

COMMITTEE AMENDMENT No. 6.

Amend by striking out the period at the end of subdivision fifty-six, line sixty-two, Section 2, page four, printed bill, and adding the following: "Comprised in the precincts of Alameda, Grandaillville, Hester, Gardner, Cottage Grove, Franklin, Oak Grove, Robertsville, Willow Glen, Campbell, Moreland, Santa Clara No. 1, Santa Clara No. 2, Santa Clara No. 3, Jefferson, Cupertino, Saratoga, and the Fourth Ward of San Jose."

Amendment adopted.

COMMITTEE AMENDMENT No. 7.

Amend by striking out the period at the end of subdivision sixty, line sixty-seven, Section 2, page four, printed bill, and adding the following: "Comprised the precincts of Black Mountain, Bryant, Cantua, Crescent, Chicago, Central Colony, Collis, Firebaugh, Fresno Colony, Fresno No. 5, Fresno No. 6, Fresno No. 9, Fresno No. 10, Fowler No. 1, Fowler No. 2, Gall, Huron, Kingston, Kingsburg, Liberty, Lake, Lewis Creek, Madison, New Hope, Oleander, Panoche, Pleasant Valley, Sycamore, Selma No. 1, Selma No. 2, Terry, White's Bridge, Warthan, West Park, Washington Colony, and Wild Flower."

Amendment adopted.

COMMITTEE AMENDMENT No. 8.

Amend by striking out the period at the end of subdivision seventy-nine, line eighty-seven, Section 2, page five, printed bill, and adding the following: "comprising the City of San Diego."

Amendment adopted.

By Senator Simpson:

Amend by striking out of Section 2, lines seventy-five to eighty-three, inclusive, and inserting the following:

"67. All that portion of the County of Los Angeles included in and comprising the following election precincts of 1900, to wit: San Vicente, Calabasas, Chatsworth, San Fernando, Lankershim, Burbank, Glendale, Garvanza, La Canada, Newhall, Acton, La Liebre, Del Sur, Lancaster, Palmdale, Llano, Pasadena numbers one, two, three, four, five, six, seven, and eight.

"68. All that portion of the County of Los Angeles included in and comprising the following election precincts of 1900, to wit: Pomona City numbers one, two, three, four, and five, Claremont, Lordsburg, Spadra, Glendora, Azusa City, Azusa, Covina, Rowland, El Monte, Monrovia, Duarte, Rivera, Los Nietos, Whittier, and East Whittier.

"69. All that portion of the County of Los Angeles included in and comprising the following election precincts of 1900, to wit: Los Angeles City numbers sixty-four a, sixty-four b, sixty-five, sixty-six, sixty-seven, and sixty-eight, Alhambra, San Gabriel,

South Pasadena, Sierra Madre, Lamanda, North Pasadena numbers one and two, Fruitland, Downey numbers one and two, Norwalk, Artesia, Clearwater, Cerritos, Long Beach City numbers one and two, and Terminal.

"70. All that portion of the County of Los Angeles included in and comprising the following election precincts of 1900, to wit: Catalina, Santa Monica City numbers one, two, and three, Ballona, Hyde Park, Gardena, Wiseburn, Redondo City, Wilmington, San Pedro numbers one, two, and three, Compton numbers one and two, Florence, Los Angeles City numbers seventy-two *a*, seventy-two *b*, seventy-three *a*, seventy-three *b*, seventy-four, seventy-five, seventy-six, and seventy-seven.

"71. All that portion of the County of Los Angeles included in and comprising the following election precincts and parts of precincts of 1900, to wit: Los Angeles City numbers thirty-seven, thirty-eight *a*, thirty-eight *b*, thirty-nine, forty, forty-one, forty-five *a*, forty-five *b*, forty-six; all that portion of numbers fifty and fifty-one between Alameda Street and center of Los Angeles River, same being north of Ninth Street; fifty-six, fifty-five, and fifty-four.

"72. All that portion of the County of Los Angeles included in and comprising the following election precincts of 1900, to wit: forty-four *a*, forty-four *b*, forty-three, forty-two, thirty-one, thirty-two, thirty-six, thirty-five *a*, thirty-five *b*, seventy, and seventy-one.

"73. All that portion of the County of Los Angeles included in and comprising the following election precincts and parts of election precincts of 1900, to wit: forty-seven, forty-eight *a*, forty-eight *b*, forty-nine *a*, forty-nine *b*; all that part of fifty and fifty-one between Alameda Street and Central Avenue, Third and Ninth streets; fifty two, fifty-three, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four *a*, thirty-four *b*.

"74. All that portion of the County of Los Angeles included in and comprising the following election precincts of 1900, to wit: Los Angeles City numbers one, two, three *a*, three *b*, four, five, six, fifty-seven *a*, fifty-seven *b*, fifty-eight *a*, fifty-eight *b*, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, seven, eight, Cahuenga, Monte Vista, National Military Home numbers one, two, three, four, and five.

"75. All that portion of the County of Los Angeles included in and comprising the following election precincts of 1900, to wit: Los Angeles City numbers nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and sixty-nine."

Amendment adopted.

By Senator Cutter:

Amend by striking out of Section 3, line three, the letter "s" in the word "districts."

Amendment adopted.

SPECIAL ORDER SET.

On motion of Senator Wolfe, further consideration of Senate Bill No. 447 was made special order for Tuesday, February 26, 1901, immediately following the special order already set for that date at eight o'clock P. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 122—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California relative to the disposition of fines and forfeitures collected by any court in the State of California.

Senate Bill No. 181—An Act to provide for the dissolution of irrigation districts and ascertainment and discharge of their indebtedness and the distribution of their property.

Senate Bill No. 199—An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands.

Senate Bill No. 68—An Act to add a new section to the Penal Code of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk-dealing and persons acting as their agents.

Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

Senate Joint Resolution No. 15—Relative to the purchase of the Calaveras Sequoia Grove.

Senate Bill No. 63—An Act to amend Section 739 of the Political Code, relating to officers of the Supreme Court.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 25th day of February, 1901, at three o'clock and five minutes P. M.

Also: Have examined and found the following bills correctly engrossed:

Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

Senate Bill No. 140—An Act to revise the Civil Code of the State of California, by amending certain sections, repealing others, and adding certain new sections.

NELSON, Chairman.

Senate Bills Nos. 310, 319, 556, and 140 ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Tyrrell of Nevada:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of J. R. Tyrrell for the sum of \$144.15, payable out of the Contingent Fund of the Senate, the same being the actual expenses incurred by the committee heretofore appointed, by resolution of the Senate, to visit the State Insane Asylum at Agnews for the purpose of investigating the needs of that institution.

Resolution read, and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred to committees as indicated:

By Senator Belshaw: Senate Bill No. 644—An Act to amend Sections 2641, 2642, 2643, and 2645 of the Political Code of the State of California, and to add new sections thereto, to be known as and numbered Sections 2646, 2646a, 2646b, 2646c, 2646d, 2646e, 2646f, relating to abolishing the office of Road Commissioner, and creating the office of Roadmaster.

Bill read first time, and referred to Committee on County Government.

By Senator Lukens: Senate Bill No. 645—An Act to appropriate the sum of \$25,000 for the erection of a monument in Golden Gate Park, San Francisco, California, as a memorial to Col. E. D. Baker, and providing for the appointment of commissioners to carry into effect the provisions of this Act, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 646—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the office of Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Laird: Senate Bill No. 647—An Act appropriating \$1,200, the amount heretofore appropriated to Agricultural District No. 43, comprising the County of Lassen, by an Act entitled "An Act making appropriations for the support of the government of the State of California for the fifty-first and fifty-second fiscal years," approved March 17, 1899.

Bill read first time, and referred to Committee on Finance.

By Senator Smith of Los Angeles: Senate Bill No. 648—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the salary of the county health officer.

Bill read first time, and referred to Committee on County Government.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 297—An Act to authorize any taxpayer to bring an action on his relation in the name of the State, to abate any public nuisance in any way affecting him, or his family, or his property.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 297 refused passage by the following vote:

AYES—Senators Caldwell, Currier, Flint, Luchsinger, and Smith of Kern—5.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Laird, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—27.

Senate Bill No. 305—An Act regulating the hours of service on regular duty by members of the police department of cities, and cities and counties.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 305 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—Senators Currier and Goad—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 270 passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 397—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such

commissioner," approved March 24, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Assembly Bill No. 397 ordered on file for second reading.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senator Wolfe asked for and was granted unanimous consent to take up Senate Bill No. 265 for immediate consideration.

Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

During second reading of bill, the following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the word "or" in line seven, Section 1, first page, printed bill, and inserting in lieu thereof the word "and."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the period in line fifteen, Section 1, first page, printed bill, and inserting in lieu thereof the following: "*provided*, that no part of said sum shall be available until the title to said site shall have passed to the State, without costs."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Davis, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 289—An Act to declare the Sonora and Big Meadows Wagon Road, commencing at Sonora, in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 289?"

AMENDMENT No. 1.

Amend by striking out of line one, Section 1, the word "the," and inserting in lieu thereof the words "that portion of the."

Also: By striking out of lines two and three, Section 1, the words "the Foot of the Confidence Grade," and inserting in lieu thereof the words "Long Barn."

Also: To amend the title by inserting after the word "declare," in line one thereof, the words "a part of."

Also: By striking out of lines two and three thereof the words "the Foot of the Confidence Grade," and inserting in lieu thereof the words "Long Barn."

AMENDMENT No. 2.

Amend by striking out of Section 1, lines six and seven, the words "*provided*, that no State funds shall be appropriated for the maintenance of same," and by striking out the semicolon after the word "highway" in line six thereof, and inserting in lieu thereof a period.

AMENDMENT No. 3.

Amend by inserting the following after the word "highway," line five, Section 1: "*provided*, that no State funds shall be appropriated for the maintenance of same."

Senator Rowell moved that further consideration be indefinitely postponed.

Senator Sims moved the previous question.

The question being, "Shall the main question be now put?"

The same was lost.

Senator Lukens moved that further consideration be made special order for Tuesday, February 26, 1901, immediately after consideration of special Assembly file.

The question being on the motion to make special order.

The roll was called, and motion lost by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Flint, Greenwell, Leavitt, Luchsinger, Lukens, Nutt, Pace, and Rowell—12.

NOES—Senators Belshaw, Caldwell, Curtin, Cutter, Davis, Devlin, Lardner, Oneal, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—18.

The question then being on the motion to indefinitely postpone.

The same was lost.

The question then being, "Shall the Senate concur in Assembly amendments?"

The roll was called, and Assembly amendments to Senate Bill No. 289 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Greenwell, Lardner, Nutt, Oneal, Pace, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senator Lukens—1.

Senate Bill No. 289 ordered to enrollment.

ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 26, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Monday, February 25, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 20, 1901, having been previously read and corrected, was approved.

PETITIONS.

The following petition was presented by Senator Flint, and ordered printed in the Journal:

To the Hon. THOMAS FLINT, JR., Senator representing Senatorial District No. 33:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that, if passed by the Legislature, each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end that it may not become a law.

E. T. Nesbit, W. M. Kitching, W. T. Benson, E. W. Trout, T. C. Edwards, M. D. J. H. McDougall, John Archer, Jr., J. F. Wright, W. S. Smith, F. Blackie, Jr., Robert Porter, H. B. Kessler, W. T. Treat, W. J. Blackie, Casper Wolfe, M. R. Wolfe, W. M. Pence, W. L. Shelton, J. V. Lacy, E. J. Robinson (of Salinas, California).

A like petition from Pasadena was presented by Senator Simpson, with seventy-nine names.

A like petition was presented by Senator Welch, with thirty-seven names.

MESSAGES FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 238—An Act to pay the claim of Thomas J. Walsh for conveying the election returns of Presidential Electors to Sacramento.

Also: Passed Senate Bill No. 186—An Act to amend an Act entitled "An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893.

Also: Amended, and passed as amended, Senate Bill No. 263—An Act to add a new section to the Political Code, to be numbered 422½, authorizing the Secretary of State to appoint two additional clerks in his office in addition to the number now allowed by law and fixing the compensation of such clerks.

Also: Amended, and passed as amended, Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California.

Also: Passed Senate Bill No. 409—An Act to amend Section 963 of the Code of Civil Procedure.

Also: Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally-enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Also: Senate Bill No. 339—An Act to amend Section 3051 of the Civil Code of the State of California in reference to liens for services, by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business.

Also: Senate Bill No. 559—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Also: Ordered returned to the Senate Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 238?"

Amend by striking out the word "one," in line three, Section 1, printed bill.

The roll was called, and Assembly amendment to Senate Bill No. 238 concurred in by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Maggard, Oneal, Selvage, Shortridge, Simpson, Smith of

Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Senate Bill No. 238 ordered to enrollment.

Senate Bill No. 186 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 263?"

AMENDMENT No. 1.

Amend the title so it will read: "An Act to add a new section to the Political Code, to be numbered 422½, authorizing the Secretary of State to appoint two additional clerks in his office in addition to the number now allowed by law, and fixing the compensation of such clerks."

AMENDMENT No. 2.

Amend Section 1 so it will read:

"SECTION 1. A new section is hereby added to the Political Code, to be numbered 422½, to read:

"422½. From the first day of May, nineteen hundred and one, to the first day of January, nineteen hundred and three, the Secretary of State is hereby authorized to appoint two additional clerks in his office, who shall be civil executive officers; said clerks to be paid the same salary as other clerks employed by the Secretary of State, and be payable at the same time and in the same manner as other State officers are paid."

The roll was called, and Assembly amendments to Senate Bill No. 263 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Smith of Kern, and Taylor—24.

NOES—None.

Senate Bill No. 263 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 205?"

Amend by striking out the word "immediately," in line one of Section 2 of the printed bill, and inserting in lieu thereof the words "January first, nineteen hundred and two."

The roll was called, and Assembly amendment to Senate Bill No. 205 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Taylor, and Tyrrell of San Francisco—25.

NOES—None.

Senate Bills Nos. 205, 409, 370, 339, and 559 ordered to enrollment.

Assembly Constitutional Amendment No. 9 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 849 (as a case of urgency)—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fourth session of the Legislature.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 849 read first time.

SUSPENSION OF RULES.

Senator Leavitt asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bill No. 849.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Leavitt:

Resolved, That Assembly Bill No. 849 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muenster, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 849—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fourth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 849 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muenster, Nelson, Nutt, Pace, Plunkett, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 145—An Act making an appropriation to pay expenses incurred by the Commission for the Revision and Reform of the Law.

Also: Passed Senate Bill No. 322—An Act amending Section 751 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the officers of cities of the fifth class.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 322 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Assembly Bill No. 588—An Act to amend Section 180 of the Penal Code of the State of California, approved February 10, 1899, relating to the bringing into State prisons, jails, reformatories, etc., opium, morphine, cocaine, or other narcotics, intoxicating liquors, firearms, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BELSHAW, Chairman.

Assembly Bill No. 588 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 192—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

S. C. SMITH, Chairman.

Senate Bill No. 192 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of all Senate constitutional amendments on file, having arrived, the same was taken up.

SENATE CONSTITUTIONAL AMENDMENT No. 3.

To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section 1¾, relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts) within said State.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, nineteen hundred and one, two thirds of all members elected to each house concurring, hereby proposes that article thirteen of the Constitution of said State be amended by adding thereto a new section, to be known as section number one and three fourths, which shall read as follows, to wit:

Section 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation and irrigation districts) within said State, shall be free and exempt from taxation.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 3 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Munter, Nelson, Nutt, Oneal, Pace, Rowell, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of San Francisco—29.

NOES—None.

Senate Constitutional Amendment No. 3 ordered transmitted to the Assembly.

PROPOSED CONSTITUTIONAL AMENDMENT PERMITTING STATE AID FOR HIGH SCHOOLS AND TECHNICAL SCHOOLS.

Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 6 of Article IX, relating to the public school system and the support of public schools.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the seventh day of January, nineteen hundred and one, two thirds of all members elected to each house concurring, hereby proposes that section six of article nine of the Constitution of said State be amended to read as follows:

Section 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State School Fund and from the general State school tax shall be applied exclusively to the support of primary and grammar schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of high schools and technical schools, or either of such schools, included in the public

school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Lardner moved a call of the Senate.

Motion carried.

Time, ten o'clock and forty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and fifty minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Bettman.

The roll of absentees was called.

Whereupon the President pro tem. announced Senate Constitutional Amendment No. 4 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—32.

NOES—None.

Senate Constitutional Amendment No. 4 ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT NO. 6.

A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California relating to charters.

The Legislature of the State of California at its regular session, commencing on the seventh day of January, nineteen hundred and one, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to section eight, article eleven, of the Constitution:

Section eight of article eleven of the Constitution is hereby amended so as to read as follows:

Section 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of Fifteen Freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the Mayor thereof, or other chief executive officer of such city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be sub-

mitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 6 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Selvage, Simpson, Sims, Smith of Kern, and Taylor—27.

NOES—Senators Laird, Shortridge, and Tyrrell of San Francisco—3.

Senate Constitutional Amendment No. 6 ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to Section 3 of Article XV of the Constitution of the State of California, relating to harbor-fronts and tide-waters.

During further reading of constitutional amendment, the following amendment was offered by Senator Davis:

Amend by striking out of Section 3, line nine, the words "as may be necessary," after the word "of," and inserting in the same line, after the word "same," "as may be necessary."

Amendment adopted.

Senate Constitutional Amendment No. 11 ordered to print and on file.

SPECIAL ORDERS SET.

On motion of Senator Davis, further consideration of Senate Constitutional Amendment No. 11 was made special order for Wednesday, February 27, 1901, immediately following the regular order after reports of standing committees.

Senate Constitutional Amendment No. 15—Proposed amendment to Article VI of the Constitution, relative to the judiciary, and establishing Courts of Appeal.

On motion of Senator Caldwell, further consideration of Senate Constitutional Amendment No. 15 was made special order for Wednesday, February 27, 1901, immediately following special order already set after the regular order of reports of standing committees.

CONSIDERATION OF SPECIAL ORDERS—(RESUMED).

Senate Constitutional Amendment No. 16—Proposed amendment to Article V of the Constitution, relative to declaring elections of Governors.
Passed on file.

Senate Constitutional Amendment No. 17—Proposed amendment to Article IV of the Constitution, relative to time of assembling of the Legislature.

During reading of Senate Constitutional Amendment No. 17, the following amendments were offered by Senator Devlin:

Amend by striking out, in line nine, the word "March," and inserting the word "February."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators O Neal, Leavitt, and Devlin.

The roll was called, and amendment adopted by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Devlin, Hoey, Leavitt, O Neal, Plummer, Selva ge, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—15.

NOES—Senators Belshaw, Corbett, Curtin, Carter, Davis, Flint, Good, Greenwell, Lard, Lardner, Luchsinger, Nutt, Rowell, and Shortridge—14.

Also:

Amend line twelve by striking out the word "sixty" and inserting "seventy-five."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Devlin, Leavitt, and O Neal.

The roll was called, and amendment lost by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Devlin, Lardner, Leavitt, Nutt, O Neal, Plummer, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—12.

NOES—Senators Belshaw, Burnett, Corbett, Carter, Curtin, Carter, Davis, Flint, Good, Greenwell, Lard, Luchsinger, Mazzard, Rowell, Selva ge, Sims, and Smith of Kern—17.

Senate Constitutional Amendment No. 17 ordered to print and on file

SENATE CONSTITUTIONAL AMENDMENT No. 14.

Proposing to the people of the State of California an amendment to Article II of the Constitution of the state by adding a new section thereto to be known as Section 6, relating to elections.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, nineteen hundred and one, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that article two of the Constitution of the State of California be amended by adding thereto a new section, to be known as section six, and reading as follows:

Section 6. The intentions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State at the option of the local authority indicated by the Legislature for that purpose.

Constitutional amendment read.

The question, being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 14 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corbett, Carter, Curtin, Carter, Davis, Devlin, Flint, Good, Greenwell, Hoey, Lard, Lardner, Leavitt, Luchsinger, Mazzard, Macomber, Nelson, Nutt, Plummer, Rowell, Selva ge, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, and Tyrrell of San Francisco—31.

NOES—Senator O Neal—1.

Senate Constitutional Amendment No. 14 ordered transmitted to the Assembly.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Sims asked for unanimous consent to withdraw Senate Constitutional Amendment No. 5.

Senate Constitutional Amendment No. 5—To submit to the people of the State of California an amendment to the Constitution of the State, amending Article IX by adding a new section thereto, to be known as section number —, relating to the control of State normal schools, and to appropriations therefor.

Consent granted.

Senate Constitutional Amendment No. 5 withdrawn and ordered stricken from the file.

At eleven o'clock and fifty minutes A. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

At twelve o'clock and five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

SENATE CONSTITUTIONAL AMENDMENT No. 13.

To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 8 of Article I thereof, relating to offenses.

Now, therefore, The Legislature of the State of California, at its regular session commencing on the seventh day of January, nineteen hundred and one, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that section eight of article one of the Constitution of said State be amended to read as follows:

Section 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, as may be prescribed by law.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 13 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Hoey, Leavitt, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—30.

NOES—Senators Curtin, Flint, Laird, Lardner, Luchsinger, Lukens, Pace, and Smith of Kern—8.

Senate Constitutional Amendment No. 13 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Committee Substitute for Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, the same was taken up.

Committee Substitute for Senate Bill No. 140—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 140 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Goad, Hoey, Lardner, Luchsinger, Lukens, Maggard, Muentner, Oneal, Pace,

Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—Senators Ashe, Curtin, Laird, and Taylor—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL URGENCY FILE.

In accordance with the resolution adopted on yesterday, relative to a Special Urgency File, the Secretary was directed to receive the numbers of bills, with their position on file, which each Senator desired to be placed upon the Special Urgency File, the same to appear in the Daily File of Wednesday, February 27, 1901, under the heading of Special Urgency File.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Welch, and Wolfe—28.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 54—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded." approved March 9, 1893.

Bill having been read third time on a previous day.

Senator Smith of Kern moved to refer to Senator Nutt as a special committee of one to amend as follows:

Amend by inserting in Section 1, line four, after the word "certified," the following: "Shall be presented to the governing body having control of the streets, roads, alleys, and highways in the territory shown on the map or plat, and said governing body shall indorse thereon which streets, roads, alleys, and highways offered by said map or plat they accept on behalf of the public, and thereupon such streets, roads, alleys, and highways only as have been thus accepted shall be and become dedicated to public use. When so indorsed, and not before, said map or plat"

Motion pending.

Senator Caldwell moved to include the following in the motion to refer to Senator Nutt as a special committee of one:

Amend by inserting the following after the period after the word "purpose": "That map or plat shall be not more than thirty-six inches by thirty-six inches in size, and shall be drawn in all details clearly and legibly, and if not so drawn may be refused by the County Recorder. When such map or plat is presented to be recorded, the County

Recorder shall paste the same securely in a book of maps, and it shall then be deemed to have been recorded under the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 54—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893—with instructions to amend, respectfully reports the same back, amended as per instructions.

NUTT, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and on file.

Assembly Bill No. 35—An Act entitled an Act to add a new section to the Penal Code, to be numbered 1588, to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide a penalty for the violation of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 35 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872, and to extend the provisions of said Act to private lands.

During second reading of bill, the following amendment was offered by Senator Currier:

Amend by inserting in line four, after the word "follows," the word and figure "Section 1," and paragraph said Section 1.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 53—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 464—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "the," between the words "in" and "Senate," in the enacting clause, on first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 5—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 383—An Act to amend Section 1882 of the Political Code by increasing the number of years for which bonds may be issued.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 150—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

During second reading of bill, the following amendments were offered:

By Senator Devlin:

Amend by striking out in line six, Section 8, page five of printed bill, the word "every," and inserting in lieu thereof the word "ever."

Amendment adopted.

By Senator Davis:

Amend by striking out of Section 9, line ten, page five of printed bill, the words "so much," and inserting the words "such undivided fraction."

Amendment adopted.

By Senator Rowell:

Amend by adding to the end of line twenty-five, page six, Section 9, after the word "place," "if no humane society exists in county, then the remainder shall be paid into the County Treasury."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 362—An Act to amend Section 3951 of the Political Code of the State of California, relating to the boundaries of the County of San Mateo.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 385—An Act to amend Section 857 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 105—An Act repealing Sections 1357 to 1380, both inclusive, of the Political Code, relating to primary elections.

On motion of Senator Devlin, Assembly Bill No. 105 was re-referred to Committee on Elections.

Assembly Bill No. 409—An Act to amend Section 1346 of the Political Code, relating to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 411—An Act to amend Section 1290 of the Political Code, relating to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 412—An Act to amend Section 1288 of the Political Code, relating to elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 579—An Act to amend Section 1192 of the Political Code, relating to elections.

On motion of Senator Cutter, Assembly Bill No. 579 was re-referred to Committee on Elections.

Assembly Bill No. 319—An Act to amend an Act entitled "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State," approved March 9, 1878.

During second reading of bill, the following amendment was offered by Senator Currier:

Amend by adding to end of title the words "by repealing Section 8 thereof."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 19—An Act to appropriate \$1,015 to pay the claim of Thomas D. Riordan for legal services rendered and expenses incurred by him in that certain action commenced in the Superior Court of the State of California, in and for the City and County of San Francisco, and which was therein entitled "The People of the State of California, by Tirey L. Ford, Attorney-General, plaintiff, vs. Charles F. Curry, as Secretary of State of the State of California," No. 73,277, and decided on appeal by the Supreme Court of the State of California, and therein entitled "The People of the State of California, plaintiff and appellant, vs. Charles F. Curry, as Secretary of State of the State of California, defendant and respondent," and numbered San Francisco No. 2442.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 19 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Plunkett, Rowell, Shortridge, Sims, and Smith of Los Angeles—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 232—An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles.

During second reading of bill, the following amendment was offered by Senator Lukens:

Amend by striking out of enacting clause the word "represented," after the word "Assembly," and inserting the word "represented" before the word "in."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 24—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing the proposed constitutional amendments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 229—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 368—An Act making an appropriation to pay the claim of O. O. Webber for costs of suit in foreclosing delinquent purchasers of State school lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 369—An Act appropriating \$300 to pay the claim of George E. Dierssen, as assignee of George H. Stewart, for the arrest of W. H. Harrall, a highway robber (said Harrall having been killed while resisting arrest).

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 76—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 1143, relating to the payment of jurors' fees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 264—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 209, relating to crimes and penalties.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 231—An Act to amend Section 571 of the Civil Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 397—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—having arrived, on motion of Senator Davis the same was postponed until Thursday, February 28, 1901, at three o'clock and thirty minutes P. M., and was therefore made special order for that date and hour.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 534—An Act to amend Section 3714 of the Political Code of the State of California, relating to county taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ONEAL, Chairman.

Senate Bill No. 534 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of

J. R. Tyrrell for the sum of \$144.15, payable out of the Contingent Fund of the Senate, the same being the actual expenses incurred by the committee heretofore appointed by resolution of the Senate, to visit the State Insane Asylum at Agnews, for the purpose of investigating the needs of that institution.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Betman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—26.

NOES—None.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 544—An Act to promote the horticultural interests of the State by providing County Boards of Horticultural Commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 510—An Act to establish the California State Poultry Experimental Farm, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that it be referred to the Committee on Finance.

Also: Senate Bill No. 217—An Act making an appropriation to study the life history of beneficial and injurious insects in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be referred to the Committee on Finance.

Also: Senate Bill No. 614—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all Acts amendatory thereof as are in conflict herewith," approved March 20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to agricultural associations.

Also: Assembly Bill No. 283—An Act to amend Section 357 of the Penal Code, relating to marking and branding, changing, altering, or defacing the marks and brands of domestic animals.

Also: Assembly Bill No. 285—An Act to add a new section to the Penal Code, the said section to be designated 357½, relating to the marking and branding or altering, changing, or defacing marks and brands on domestic animals.

Also: Assembly Bill No. 430—An Act to add a new section to the Penal Code, to be known and numbered as Section 381a.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CURRIER, Chairman.

Senate Bills Nos. 510 and 217 referred to Committee on Finance.

Senate Bills Nos. 544 and 614 and Assembly Bills Nos. 283, 285, and 430 ordered on file for third reading.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 281—An Act to add a new section to the Penal Code of the State of California, to be numbered 637½, relating to the preservation of game in National parks in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

J. G. TYRRELL, Chairman.

Senate Bill No. 281 ordered on file for second reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 407—An Act to amend an Act entitled "An Act limiting the hours of daily

services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof, providing for the insertion of certain stipulations in contracts for public work, imposing penalties for violations of the provisions of this Act and providing for the enforcement thereof," approved March 20, 1899—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BYRNES, Chairman.

Assembly Bill No. 407 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 360—An Act to amend Section 3 of an Act entitled "An Act to provide for the levy and collection of taxes by, and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March 27, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Senate Bill No. 360 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 530—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by an attachment in an action wherein the said persons, partnership, corporation, or association is not the alleged debtor; to release the property, or interest therein claimed, from the attachment lien and levy; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted.

Also: Senate Bill No. 531—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution in an action wherein the said person, corporation, partnership, or association is not the judgment debtor; to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted.

Also: Senate Bill No. 528—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incur, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof so that the purchaser, incumbrancer, mortgagee or grantee or pledgor of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Have had the same under consideration, and respectfully report the same back, and recommend that substitutes do pass.

SERVAGE, Chairman.

Senate Bills Nos. 530, 531, and 528 ordered on file for second reading.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 16—Relating to recommending the enactment of legislation by

construction of a highway in the Yosemite National Park—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LAIRD, Chairman.

Senate Joint Resolution No. 16 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 278—An Act to amend Section 278 of the Penal Code of California, relating to child-stealing.

Senate Bill No. 102—An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor.

Senate Bill No. 70—An Act to amend Section 600 of the Penal Code of California, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Senate Bill No. 246—An Act to amend Section 638 of the Civil Code of the State of California.

Senate Concurrent Resolution No. 16—Relative to appointment of joint committee to attend funeral of the late Stephen M. White.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 26th day of February, 1901, at three o'clock and forty-five minutes P. M.

NELSON, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 493—An Act to amend Section 330 of the Penal Code, relating to the prohibition of gaming and fixing the penalty therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SIMPSON, Chairman.

Senate Bill No. 493 ordered on file for second reading.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Wolfe, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 26, 1901. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 206, entitled "An Act making an appropriation to pay the claim of A. L. Wood for \$300"; and No. 210, entitled "An Act to repeal an Act entitled 'An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses,' approved March 9, 1897"; and No. 292, entitled "An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such action"; and No. 291, entitled "An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 26, 1901. }

To the Senate of the State of California :

I herewith return without my approval, with my objections thereto, Senate Bill No. 42, entitled "An Act to add a new section to the Penal Code, to be numbered 499a, relating to the stealing of electric current, and the injuring of electric wires or appliances, and providing a punishment therefor."

This bill, with the exception of the omitted word "unlawfully," is identical in language with Assembly Bill No. 39, previously received by me, and which has since become a law.

I also herewith return without my approval, for a similar reason, Senate Bill No. 6, entitled "An Act to amend Section 870 of an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations,' approved March 13, 1883, relating to the organization, incorporation, and government of municipal corporations," which is a companion bill of Assembly Bill No. 91, which amended the same section (870) of the said Act of March 13, 1883, and which latter bill was previously received, and was approved by me on February 20, 1901.

The present Senate Bill No. 6 is also objectionable in retaining the following requirement: "*And the Board of Trustees cannot agree with the owner thereof as to the price to be paid.*" said requirement being held unconstitutional by the Supreme Court of this State in the case of *City of Pasadena vs. Stimson*, 91 Cal. 249.

HENRY T. GAGE,
Governor of the State of California.

SPECIAL ORDER SET.

On motion of Senator Devlin, further consideration of Governor's veto to Senate Bill No. 6 was made special order for Wednesday, February 27, 1901, immediately after reading of Journal.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Wolfe moved a reconsideration of the vote whereby Assembly Bill No. 279—An Act making an appropriation to pay the claim of Fred B. Blakeley for the arrest of Ygnacio Eisler, a highway robber—was on yesterday refused passage.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, three o'clock and twenty-two minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—35.

The Secretary announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and twenty-four minutes P. M., Senator Smith of Los Angeles was brought to the bar of the Senate, and, on motion of Senator Wolfe, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty-five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll of absentees was called.

Whereupon the President pro tem. announced the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—36.

NOES—Senator Laird—1.

Assembly Bill No. 279—An Act making an appropriation to pay the

claim of Fred B. Blakeley for the arrest of Ygnacio Eisler, a highway robber.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Goad, Greenwell, Hoey, Lardner, Lukens, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—28.

NOES—Senator Luchsinger—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER POSTPONED AND MADE SPECIAL ORDER.

On motion of Senator Caldwell, his notice of motion to reconsider the vote whereby Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes—was postponed until Wednesday, February 27, 1901, at three o'clock and thirty minutes p. m., and was therefore made special order for that date and hour.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Read third time.

Senator Cutter moved to refer to Senator Corlett, as a special committee of one, to amend as follows:

Amend by striking out the period in line thirteen, first page, printed bill, and adding the following: "provided, that nothing in this section shall prohibit the killing of any meadow lark, except by means of poison, by the owner or tenant of any premises where such bird is found destroying berries, fruits, or crops growing on such premises."

The question being on the adoption of the motion to refer to special committee of one.

The ayes and noes were demanded by Senators Cutter, Belshaw, and Maggard.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Bettman, Corlett, Currier, Cutter, Devlin, Goad, Luchsinger, Maggard, and Nutt—10.

NOES—Senators Ashe, Burnett, Byrnes, Caldwell, Curtin, Davis, Flint, Greenwell, Hoey, Leavitt, Lukens, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—24.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 277 passed by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Caldwell, Curtin, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—28.

NOES—Senators Belshaw, Bettman, Corlett, Currier, Cutter, Goad, Luchsinger, Muentner, and Nutt—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Taylor, Tyrrell of San Francisco, and Wolfe—30.

NOES—Senator Sims—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Belshaw was granted leave of absence for the day, on his own motion.

RECESS.

At the hour of four o'clock and twenty-three minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—29.

Quorum present.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein; and Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—having arrived, the same was taken up.

Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

During further second reading of bill, the following amendment was offered by Senator Wolfe:

Amend by striking out of Section 1 all of subdivisions four and five, and inserting the following:

"4. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection of the center of Lyon Street and the Bay of San Francisco, continuing thence along the center of the following named streets: Lyon to Washington, Washington to Baker, Baker to Geary, Geary to Van Ness Avenue, Van Ness Avenue to Grove, Grove to Polk, Polk to Market, Market to Tenth, Tenth to Howard, Howard to Twentieth, thence along Twentieth to the Bay of San Francisco, thence along the shore of said bay to Lyon Street, the point of beginning, together with all the waters of the Bay of San Francisco, and the islands contained therein, situated within the boundaries of the City and County of San Francisco.

"5. All that portion of the City and County of San Francisco not included in the Fourth Congressional District, with the islands known as the Farallon Islands, together with the counties of San Mateo and Santa Clara."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

On motion of Senator Cutter, further consideration of Senate Bill No. 142 was made special order for Wednesday, February 27, 1901, at eight o'clock P. M.

CONSIDERATION OF SPECIAL ORDERS—(RESUMED).

Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

During further second reading of bill, the following amendments were offered by Senator Simpson to the amendments offered by him on yesterday:

Amend by striking out of Section 1 subdivisions thirty-four to thirty-eight, and inserting the following:

"34. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Catalina, San Pedro numbers one, two, and three, Wilmington, Compton numbers one and two, Florence, Redondo City, Wiseburn, Gardena, Hyde Park, Ballona, Santa Monica numbers one, two, and three, San Vicente, National Military Home numbers one, two, three, four, and five, Monte Vista, Cabuenga, Los Angeles City precincts numbers seventy, seventy-one, seventy-two *a*, seventy-two *b*, seventy-three *a*, seventy-three *b*, seventy-four, seventy-five, seventy-six, seventy-seven, Calabasas, Lankershim, Chatsworth, San Fernando, Acton, Newhall, La Liebre, Del Sur, Lancaster, Palmdale, Llano, La Cañada, Burbank, and Glendale.

"35. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Pomona numbers one, two, three, four, and five, Claremont, Lordsburg, Spadra, Glendora, Azusa, Azusa City, Rowland, Covina, El Monte, Monrovia, Duarte, Rivera, Los Nietos, Whittier, East Whittier, North Pasadena numbers one and two, Lamanda, Sierra Madre, San Gabriel, Alhambra, Fruitland, Downey numbers one and two, Norwalk, Artesia, Clearwater, Cerritos, Long Beach City numbers one and two, and Terminal.

"36. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers fifty-seven *a*, fifty-seven *b*, fifty-eight *a*, fifty-eight *b*, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four *a*, sixty-four *b*, sixty-five, sixty-six, sixty-seven, sixty-eight, one, two, three *a*, three *b*, four, five, six, Garvanza, Pasadena numbers one, two, three, four, five, six, seven, and eight, and South Pasadena.

"37. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, sixty-nine, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four *a*, and thirty-four *b*.

"38. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers thirty-five *a*, thirty-five *b*, thirty-six, thirty-two, thirty-one, thirty-seven, thirty-eight *a*, thirty-eight *b*, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four *a*, forty-four *b*, forty-five *a*, forty-five *b*, forty-six, forty-seven, forty-eight *a*, forty-eight *b*, forty-nine *a*, forty-nine *b*, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, and fifty-six."

Also:

Amend by striking out of Section 2 subdivisions sixty-seven to seventy-five, inclusive, and inserting the following:

"67. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: San Vicente, Calabasas, Chatsworth, San Fernando, Lankershim, Burbank, Glendale, Garvanza, La Cañada, Newhall, Acton, La Liebre, Del Sur, Lancaster, Palmdale, Llano, Pasadena numbers one, two, three, four, five, six, seven, and eight.

"68. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Pomona City numbers one, two, three, four, and five, Claremont, Lordsburg, Spadra, Glendora, Azusa City, Azusa, Covina, Rowland, El Monte, Monrovia, Duarte, Rivera, Los Nietos, Whittier, and East Whittier.

"69. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers sixty-four *a*, sixty-four *b*, sixty-five, sixty-six, sixty-seven, and sixty-eight, Alhambra, San Gabriel, South Pasadena, Sierra Madre, Lamanda, North Pasadena numbers one and two, Fruitland, Downey numbers one and two, Norwalk, Artesia, Clearwater, Cerritos, Long Beach City numbers one and two, and Terminal.

"70. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Catalina, Santa Monica City numbers one, two, and three, Ballona, Hyde Park, Gardena, Wiseburn, Redondo City, Wilmington, San Pedro numbers one, two, and three, Compton numbers one and two, Florence, Los Angeles City numbers seventy-two *a*, seventy-two *b*, seventy-three *a*, seventy-three *b*, seventy-four, seventy-five, seventy-six, and seventy-seven.

"71. All that portion of the County of Los Angeles included in and comprising the following election precincts and parts of precincts of nineteen hundred to wit: Los Angeles City numbers thirty-seven, thirty-eight *a*, thirty-eight *b*, thirty-nine, forty, forty-one, forty-five *a*, forty-five *b*, forty-six; all that portion of numbers fifty and fifty-one between Alameda Street and the center of Los Angeles River, same being north of Ninth Street; fifty-six, fifty-five, and fifty-four.

"72. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers forty-four *a*, forty-four *b*, forty-three, forty-two, thirty-one, thirty-two, thirty-six, thirty-five *a*, thirty-five *b*, seventy, and seventy-one.

"73. All that portion of the County of Los Angeles included in and comprising the following election precincts and parts of election precincts of nineteen hundred, to wit: Los Angeles City numbers forty-seven, forty-eight *a*, forty-eight *b*, forty-nine *a*, forty-nine *b*; all that part of fifty and fifty-one between Alameda Street and Central Avenue, Third and Ninth streets; fifty-two, fifty-three, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four *a*, and thirty-four *b*.

"74. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers one, two, three *a*, three *b*, four, five, six, fifty-seven *a*, fifty-seven *b*, fifty-eight *a*, fifty-eight *b*, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, seven, eight, Cahuenga, Monte Vista, National Military Home numbers one, two, three, four, and five.

"75. All that portion of the County of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles City numbers nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and sixty-nine."

Amendment adopted.

By Senator Cutter:

Amend by striking out of Section 1, subdivision twenty-seven, the word "third" before the words "wards of the City of San José," and inserting the word "fourth."

Amendment adopted.

By Senator Wolfe:

Amend by striking out of Section 1 subdivisions seventeen to twenty-five, inclusive, and inserting the following:

"17. All that portion of the City and County of San Francisco comprised within the boundaries of the Twenty-eighth and Twenty-ninth Assembly Districts, as fixed and described in this Act, shall constitute the Seventeenth Senatorial District.

"18. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-first and Thirty-sixth Assembly Districts, as fixed and described in this Act, shall constitute the Eighteenth Senatorial District.

"19. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-second and Thirty-fifth Assembly Districts, as fixed and described in this Act, shall constitute the Nineteenth Senatorial District.

"20. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-third and Thirty-fourth Assembly Districts, as fixed and described in this Act, shall constitute the Twentieth Senatorial District.

"21. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-seventh and Thirty-eighth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-first Senatorial District.

"22. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirty-ninth and Fortieth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-second Senatorial District.

"23. All that portion of the City and County of San Francisco comprised within the boundaries of the Thirtieth and Forty-second Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-third Senatorial District.

"24. All that portion of the City and County of San Francisco comprised within the boundaries of the Forty-third and Forty-fourth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-fourth Senatorial District.

"25. All that portion of the City and County of San Francisco comprised within the boundaries of the Forty-first and Forty-fifth Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-fifth Senatorial District."

Amendment adopted.

Also:

Amend by striking out of Section 2, lines twenty-eight to forty-five, inclusive, and inserting the following:

"28. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Market Street intersects the Bay of San Francisco, continuing thence along the center of the following-named streets: Market to Fourth, Fourth to Folsom, Folsom to Third, Third to Bryant, Bryant to the waters of the Bay of San Francisco, thence along the shore to Market Street, the place of beginning, shall constitute the Twenty-eighth Assembly District.

"29. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Fourth and Market Streets, continuing thence along the center of the following-named streets: Market to Seventh, Seventh to Mission, Mission to Sixth, Sixth to Bryant, Bryant to Third, Third to Folsom, Folsom to Fourth, Fourth to Market, the place of beginning, shall constitute the Twenty-ninth Assembly District.

"30. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Seventh and Market Streets, continuing thence along the center of the following-named streets: Market to Tenth, Tenth to Howard, Howard to Eleventh, Eleventh to Bryant, Bryant to Sixth, Sixth to Mission, Mission to Seventh, along Seventh to Market, the place of beginning, shall constitute the Thirtieth Assembly District.

"31. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Bryant Street intersects with the Bay of San Francisco, continuing thence along the center of the following-named streets: Bryant to Eleventh, Eleventh to Howard, Howard to Twentieth, Twentieth to the waters of the Bay of San Francisco, thence along the shore to Bryant, the place of beginning, shall constitute the Thirty-first Assembly District.

"32. All that portion of the City and County of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Twentieth Street intersects the Bay of San Francisco, continuing thence along the center of the following-named streets: Twentieth to Howard, Howard to Army, Army to San Bruno Avenue, thence along San Bruno Avenue to its intersection with the boundary line dividing the Counties of San Francisco and San Mateo, thence along said boundary line to the intersection of the waters of the Bay of San Francisco, thence along the shore of said bay to Twentieth Street, the place of beginning, shall constitute the Thirty-second Assembly District.

"33. All that portion of the City and County of San Francisco bounded as follows: Commencing at a point of intersection of the center of Guerrero and Army Streets, continuing thence along the center of the following-named streets: Army to San Bruno Avenue, thence along San Bruno Avenue to its intersection with the boundary line dividing the Counties of San Francisco and San Mateo, thence along said boundary line to the intersection of the waters of the Pacific Ocean, thence along the shore of said ocean northerly to Ocean Avenue, thence along Ocean Avenue to Corbett Avenue, thence along Corbett Avenue to Fowler Avenue, Fowler Avenue to Twenty-eighth Street, Twenty-eighth to Guerrero, along Guerrero to Army, the point of beginning, shall constitute the Thirty-third Assembly District.

"34. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Guerrero and Army Streets, continuing thence along the center of the following-named streets: Army to Church, Church to Thirteenth, Thirteenth to Buena Vista Avenue, Buena Vista Avenue to Frederick Street, Frederick to Clayton, Clayton to Clarendon Avenue, thence along Clarendon Avenue to Lincoln Avenue, thence along Lincoln Avenue to Clipper Street, Clipper Street to a point where the center of Fowler Avenue, if extended, would intersect the center of Clipper Street, thence along Fowler Avenue to Twenty-eighth, Twenty-eighth to Guerrero, Guerrero to Army, the place of beginning, shall constitute the Thirty-fourth Assembly District.

"35. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Howard and Seventeenth Streets, continuing thence along the center of the following-named streets: Seventeenth to Church, Church to Army, Army to Howard, Howard to Seventeenth, the place of beginning, shall constitute the Thirty-fifth Assembly District.

"36. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Market and Polk Streets, continuing thence along the center of the following-named streets: Polk to Grove, Grove to Octavia, Octavia to Market, Market to Thirteenth, Thirteenth to Church, Church to Seventeenth, Seventeenth to Howard, Howard to Tenth, Tenth to the intersection of Market and Polk, the place of beginning, shall constitute the Thirty-sixth Assembly District.

"37. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Market and Octavia Streets, continuing thence along the center of the following-named streets: Octavia to Fulton, Fulton to Stanyan, Stanyan to Frederick, Frederick to Buena Vista Avenue, thence along Buena Vista Avenue to Thirteenth, Thirteenth to Market, Market to Octavia, the place of beginning, shall constitute the Thirty-seventh Assembly District.

"38. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Van Ness Avenue and Geary Street, continuing thence along the center of the following named streets: Geary to Masonic Avenue, Masonic Avenue to Fulton, Fulton to Octavia, Octavia to Grove, Grove to Van Ness Avenue, Van Ness Avenue to Geary: the place of beginning, shall constitute the Thirty-eighth Assembly District.

"39. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Lyon Street with the waters of the Bay of San Francisco, continuing thence along the center of the following-named streets: Lyon to Washington, Washington to Baker, Baker to Geary, Geary to Masonic Avenue, Masonic Avenue to Fulton, Fulton to Stanyan, Stanyan to Frederick, Frederick to Clayton, Clayton to Clarendon Avenue, thence along Clarendon Avenue to Lincoln Avenue, thence along Lincoln Avenue to Clipper, Clipper to a point where the center of Fowler Avenue, if extended, would intersect the center of Clipper Street, thence along the line of Fowler Avenue to Corbett Avenue, thence along Corbett Avenue to Ocean Avenue, thence along Ocean Avenue to waters of the Pacific Ocean, thence along the shore of said ocean and the said bay to Lyon Street, the place of beginning, together with the islands known as the Farallon Islands, shall constitute the Thirty-ninth Assembly District.

"40. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Van Ness Avenue and Washington Street, continuing thence along the center of the following-named streets: Washington to Baker, Baker to Geary, Geary to Van Ness Avenue, Van Ness Avenue to Washington, the place of beginning, shall constitute the Fortieth Assembly District.

"41. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Jones Street with the waters of the Bay of San Francisco, continuing thence along the center of the following-named streets: Jones to Broadway, Broadway to Van Ness Avenue, Van Ness Avenue to Washington, Washington to Lyon, Lyon to the waters of said bay, thence along the shore to Jones Street, the place of beginning, shall constitute the Forty-first Assembly District.

"42. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Market and Polk Streets, continuing thence along the center of the following-named streets: Polk to Grove, Grove to Van Ness Avenue, Van Ness Avenue to Broadway, Broadway to Hyde, Hyde to Ellis, Ellis to Jones, Jones to Market, Market to Polk, the place of beginning, shall constitute the Forty-second Assembly District.

"43. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Market and Jones Streets, continuing thence along the center of the following-named streets: Jones to Ellis, Ellis to Hyde, Hyde to Broadway, Broadway to Mason, Mason to Market, Market to Jones, the place of beginning, shall constitute the Forty-third Assembly District.

"44. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Market and Mason Streets, continuing thence along the center of the following-named streets: Mason to Broadway, Broadway to the waters of the Bay of San Francisco, thence along the shore of said bay to Market Street, thence along Market Street to Mason, the place of beginning, shall constitute the Forty-fourth Assembly District.

"45. All that portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of Jones Street with the waters of the Bay of San Francisco, continuing thence along the center of the following-named streets: Jones to Broadway, Broadway to the waters of the Bay of San Francisco, thence along the shore of said bay to Jones Street, the place of beginning, together with all the waters of the Bay of San Francisco and the islands contained therein, situate within the boundaries of the City and County of San Francisco, shall constitute the Forty-fifth Assembly District."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

On motion of Senator Cutter, further consideration of Senate Bill No. 447 was made special order for Wednesday, February 27, 1901, immediately following the special order already set for that date at eight o'clock P. M.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Cutter, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following Assembly bills, viz:

Assembly Bill No. 768—An Act to amend the Penal Code by adding one new section to Title VII thereof, relative to crimes against public justice; said section to be numbered 181.

Assembly Bill No. 769—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bills Nos. 768 and 769 referred to Committee on Judiciary.
Also:

ASSEMBLY CHAMBER SACRAMENTO, February 26, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawnbroker and others, and specifying the penalty therefor.

Also: Senate Bill No. 144—An Act to amend the Political Code by adding a new article to Chapter II of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive.

Also: Senate Bill No. 320—An Act to provide in whose name title shall be taken to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893, and the amendments thereto.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

At eight o'clock and twenty-five minutes P. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 67?"

ASSEMBLY AMENDMENT.

Strike out the words "constable, district attorney, or prosecuting attorney," in lines nine and ten of the printed bill.

The roll was called, and Assembly amendment to Senate Bill No. 67 concurred in by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, O Neal, Rowell, Selvaige, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—32.

NOES—Senator Wolfe—1.

Senate Bill No. 67 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 144?"

ASSEMBLY SELECT COMMITTEE AMENDMENTS.

Amend by striking out the word "residents," in line two, page three, Section 2751 and inserting the words "resident freeholders."

Also: Amend title as follows: After the words "An Act," in line one thereof, insert the following: "to amend the Political Code by adding a new article to Chapter II of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive."

Also: After the enacting clause, insert the following:

"SECTION 1. The Political Code is hereby amended by adding a new article to Chapter II of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, so as to read as follows: Article IX. Permanent road divisions."

Also: Strike out the word and figure "Section 1," in line one of page one, and insert in lieu thereof the figures "2745"; in lieu of word and figure "Section 2," insert "2746"; in lieu of word and figure "Section 3," insert "2747"; in lieu of word and figure "Section 4," insert "2748"; in lieu of word and figure "Section 5," insert "2749"; in lieu of word and figure "Section 6," insert "2750"; in lieu of word and figure "Section 7," insert "2751"; in lieu of word and figure "Section 8," insert "2752"; in lieu of word and figure "Section 9," insert "2753"; in lieu of word and figures "Section 10," insert "2754"; in lieu of word and figures "Section 11," insert "2755"; in lieu of word and figures "Section 12," insert "2756"; in lieu of word and figures "Section 13," insert "2757"; in lieu of word and figures "Section 14," insert "2758"; in lieu of word and figures "Section 15," insert "2759"; in lieu of word and figures "Section 16," insert "2760"; in lieu of word and figures "Section 17," insert "2761"; in lieu of word and figures "Section 18," insert "2762"; in lieu of word and figures "Section 19," insert "2763"; in lieu of word and figures "Section 20," insert "2764"; in lieu of word and figures "Section 21," insert "2765"; in lieu of word and figures "Section 22," insert "2766"; in lieu of word and figures "Section 23," insert "2767"; in lieu of word and figures "Section 24," insert "2768"; in lieu of word and figures "Section 25," insert "2769"; in lieu of word and figures "Section 26," insert "2770"; in lieu of word and figures "Section 27," insert "2771"; in lieu of word and figures "Section 28," insert "2772."

Also: Strike out Section 29 of printed bill.

Also: Strike out the word "ten," in line four of Section 2 of the printed bill, and insert in lieu thereof the words "a majority."

The roll was called, and Assembly amendments to Senate Bill No. 144 concurred in by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Senate Bill No. 144 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 320?"

After the word "title," line two of title, add "shall be taken."

The roll was called, and Assembly amendment to Senate Bill No. 320 concurred in by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Senate Bill No. 320 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its Amendment No. 1 to Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities—and did recede from Assembly Amendment No. 3 thereto, in compliance with your request—and appointed Assemblymen Brown, Dunlap, and Sheridan as a committee of conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senator Taylor moved that a committee of three be appointed as a committee of conference to meet the Assembly committee of conference.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the above request and the motion of Senator Taylor, the President appointed Senators Taylor, Smith of Kern, and Leavitt as such committee.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 637—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 637 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 633—An Act to amend Section 473 of the Civil Code of the State of California, relating to consolidation of railroad corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SIMPSON, Chairman.

Senate Bill No. 633 ordered on file for second reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 209—An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 209 passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—29.

NOES—Senators Devlin and Rowell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bills Nos. 311 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments that may be recovered thereunder.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 311 and 382 passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Currier, Curtin, Davis, Flint, Greenwell, Laird, Lardner, Leavitt, Lukens, Muenter, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, and Tyrrell of San Francisco—23.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray

burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 365—An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 365 passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 290—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 290 passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—26.

NOES—None

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILL.

Senator Smith of Los Angeles asked for and was granted unanimous consent to take up Senate Bill No. 108 for immediate consideration.

Senate Bill No. 108—An Act empowering Boards of Supervisors of any of the several counties in the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 356—An Act making an appropriation to pay the claim of Bateman Bros., for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 356 passed by the following vote:

AYES—Senators Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Devlin moved that the second reading of bills be now taken up.

The question being on the motion to take up second reading of bills.

The ayes and noes were demanded by Senators Devlin, Oneal, and Caldwell.

The roll was called, and motion carried by the following vote:

AYES—Senators Byrnes, Caldwell, Corlett, Curtin, Davis, Devlin, Goad, Greenwell, Hoey, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Taylor, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Bettman, Laird, Leavitt, Simpson, Smith of Los Angeles, and Welch—6.

SECOND READING OF BILLS.

Senator Corlett asked for unanimous consent to withdraw Senate Bill No. 435—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1596, relating to the furnishing by the Wardens of the State Prisons of the State of California a photograph and a complete description of each convict sixty days before such convict is released from said State's Prison—and to substitute therefor on file Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections and the plumbing and connections of the Napa State Hospital at Napa.

Consent granted.

Senate Bill No. 435 withdrawn and ordered stricken from file, and Senate Bill No. 415 substituted therefor on file.

Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections and the plumbing and connections of the Napa State Hospital at Napa.

During second reading of bill, the following amendments were submitted by the committee:

Amend Section 1, line one, to read "ten thousand dollars," instead of "twenty-five thousand dollars."

Amendment adopted.

Also:

Amend by striking out the word "immediately," in line one, Section 3, first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 421—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water.

During second reading of bill, the following amendments were offered by Senator Davis:

Amend by adding a new section to be known as Section 4, and to read as follows: "Section 4. Nothing in this Act contained shall affect any contract made prior to its adoption."

Also: Make "Section 4" of the printed bill known as "Section 5."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage.

During second reading of bill, the following amendment was offered by Senator Cutter:

Amend by adding at the end of line one, Section 1, page one, printed bill, the words "except for extreme cruelty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 82—An Act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals) becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

LEAVE OF ABSENCE.

Senator Wolfe was granted a leave of absence for the balance of the day, on his own motion.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 272—An Act appropriating \$7,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital at Patton, California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the figure "7," in first line of title, page one of printed bill, and inserting in lieu thereof the figure "5."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "seven thousand dollars (\$7,000)," in line one, Section 1, page one, printed bill, and inserting in lieu thereof the following: "five thousand dollars (\$5,000)."

Amendment adopted.

By Senator Caldwell:

Amend by striking out of Section 3, line two, the words "July first, nineteen hundred and one," and inserting the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 274—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend Section 1, lines one and two, to read "forty thousand dollars (\$40,000)" instead of "fifty thousand dollars (\$50,000)."

Amendment adopted.

By Senator Caldwell:

Amend by striking out of Section 3, line two, the words "July first, nineteen hundred and one," and inserting the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 333—An Act making an appropriation to pay the claim of William Cronin for extra work performed in the construction of the Union Depot and Ferry House at San Francisco.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 458—An Act for the protection of inclosed and cultivated lands in the State of California, and to prevent persons entering thereon with firearms or dogs for the purpose of hunting, pursuing, shooting, or killing game, and to repeal all Acts in conflict therewith.

Bill read second time, considered engrossed, and ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Smith of Los Angeles, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 504—An Act to amend Section 330 of the Penal Code.

Also: Assembly Bill No. 425—An Act regulating the hours of service on regular duty by members of the Police Department of cities of the first class and cities and counties.

Also: Assembly Bill No. 757—An Act to amend Section 473 of the Civil Code of the State of California, relating to consolidation of railroad corporations.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 504 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 425 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 757 read first time, and, on motion of Senator Simpson, was placed on file without reference to committee, a like bill in the Senate having been reported back with recommendation that it do pass.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 129—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Passed on file.

Senate Bill No. 130—An Act to change and permanently locate the boundary line between the counties of Plumas and Tehama.

Passed on file.

Senate Bill No. 131—An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Passed on file.

Senate Bill No. 132—An Act to change and permanently locate the boundary line between the counties of Yuba and Plumas.

Passed on file.

Senate Bill No. 133—An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen.

Passed on file.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Selvage asked for unanimous consent to withdraw Senate Bill No. 293—An Act to amend Section 1882 of the Political Code by increasing the number of years for which bonds may be issued—and to substitute therefor on file Senate Bill No. 331—An Act to add two new sections to the Political Code to be numbered 3805*a* and 3805*b*, to reenact Section 3859 of said code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Consent granted.

Senate Bill No. 293 withdrawn and ordered stricken from file, and Senate Bill No. 331 substituted therefor on file.

Senate Bill No. 331—An Act to add two new sections to the Political Code to be numbered 3805*a* and 3805*b*, to reenact Section 3859 of said code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

During second reading of bill, the following amendments were offered by Senator Selvage:

Amend by striking out on page four, printed bill, in Section 4, line four, the word "the" and inserting in lieu thereof the word "any."

Amendment adopted.

Also:

Amend by striking out the title thereto, and inserting in lieu thereof the following: "An Act to add two new sections to the Political Code, to be numbered 3805*a* and 3805*b*, to reenact Section 3859 of said code, to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3790, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, and to repeal Section 3640 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made."

Amendment adopted.

Also:

Amend as follows: On page four of printed bill, before "Sec. 4," insert the following: "SEC. 3½. Section three thousand six hundred and forty of the Political Code is hereby repealed."

Amendment adopted.

Also:

Amend as follows: On page seven, printed bill, before "Sec. 8," insert the following: "SEC. 7½. Section three thousand seven hundred and ninety of the Political Code is amended so as to read as follows:

"3790. The Tax Collector of each county and city and county shall have power, and it is hereby made his duty, at any time after receiving from the County Auditor the assessment books in pursuance of the provisions of section thirty-seven hundred and thirty-two of the Political Code, to collect the taxes due on personal property except when real estate is liable therefor, by seizure and sale of any personal property owned by the delinquent."

Amendment adopted.

Also:

Amend on page eight, line thirty-five, printed bill, after the word "property," by inserting the words "provided, that where real property."

Amendment adopted.

Also:

Amend on page nine, after the word "purchaser," in line twenty-two of Section 3805b, paragraph, by inserting the following clause: "When any deed to the State is canceled under this or the preceding two sections, and the deed has been filed with the Controller, the Recorder shall immediately notify the Controller of such cancellation."

Amendment adopted.

Also:

Amend on page ten, lines twenty-two and twenty-three, printed bill, by striking out the words and punctuation mark "as hereinafter specified."

Amendment adopted.

Also:

Amend as follows: On page twelve, printed bill, after the word "Assessor," in line twelve, of Section 3825, add the following: "provided, that no action shall be maintained to collect such deficiency unless the Tax Collector shall, at least fifteen days before the commencement of such action, deposit in the United States postoffice, addressed to the person owing such tax, at his last known place of residence, a notice in writing, informing him of the amount and nature of such tax, and that, unless the same is paid within fifteen days, action will be brought for the same; and any action commenced without such notice shall be dismissed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.
Senate Bill No. 479—An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "one hundred," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the word "fifty."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 50—An Act to provide for the purchase of real property known as Agricultural Park, in the City of Sacramento, State of California, from the Board of Directors of the California State Agricultural Society, and to empower said Board of Directors to sell a portion of said park, and to purchase from other parties land adjoining thereto for the State, to be used by the State for the purpose of conducting an agricultural fair, and appropriating money for such purpose.

During second reading of bill, the following substitute was submitted by the committee:

AN ACT

Making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims and demands against said society.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of forty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be by the State of California paid to the Board of Directors of the California State Agricultural Society for the purpose of paying and discharging the indebtedness, claims, and demands that have accrued against said Society.

SEC. 2. All said claims shall first be approved by the Board of Directors of said California State Agricultural Society and by the State Board of Examiners before being paid.

SEC. 3. No money shall be paid out, pursuant to the terms of this Act, until the said Board of Directors of the California State Agricultural Society shall make, execute, and deliver to the State of California a deed conveying all its right, title, and interest, in and to all the real estate owned by said Society, or in which it claims any right, title, or interest. Said deed shall contain a condition that the land described in said deed shall be used exclusively for the purposes of the California State Agricultural Society, and shall not be devoted to other uses without the consent of said Society. Said deed shall be deposited with the Secretary of State.

SEC. 4. The State Controller is hereby directed to draw his warrant for the sum herein appropriated, and the State Treasurer is hereby directed to pay the same.

SEC. 5. This Act shall take effect immediately.

Substitute read and adopted.

The following amendment was offered by Senator Devlin:

Amend by striking out Section 5 and inserting the following:

"SEC. 5. This Act shall take effect and be in force on and after January 1, 1902."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 470—An Act to establish police courts in cities of the third class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof.

During second reading of bill, the following amendments were offered by Senator Leavitt:

Amend by striking out the word "third" in line one, Section 1, page one, printed bill, and inserting in lieu thereof the word "second."

Amendment adopted.

Also:

Amend by striking out the word "third" in line one of the title, and inserting in lieu thereof the word "second."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Senator Smith of Kern, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 27, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Woife—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Tuesday, February 26, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 21, 1901, having been previously read and corrected, was approved.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of the veto of the Governor to Senate Bills Nos. 6 and 42, having arrived, the same was taken up.

The question being, "Shall Senate Bill No. 6 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Nelson, Nutt, Plunkett, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—25.

The question being, "Shall Senate Bill No. 42 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—25.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of all Senate constitutional amendments on file, having arrived, on motion of Senator Devlin the same was postponed until Thursday, February 28, 1901, immediately following the regular order after reports of standing committees, and was therefore made special order for that date and hour.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 292—An Act to provide for the payment of P. W. Forbes for costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Also: Assembly Bill No. 563—An Act regulating and limiting the sale of convict-made articles, and providing a penalty for violation of same.

Also: Assembly Bill No. 72—An Act to amend Section 1665 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

Also: Assembly Bill No. 67—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 292 read first time, and referred to Committee on Finance.

Assembly Bill No. 563 read first time, and, on motion of Senator Luchsinger, was ordered on file without reference to committee.

Assembly Bill No. 72 read first time, and referred to Committee on Education.

Assembly Bill No. 67 read first time, and referred to Committee on County Government.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 108—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county of the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Senate Bill No. 82—An Act to provide for the maintenance and support in certain cases of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals) becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons.

Senate Bill No. 458—An Act for the protection of inclosed and cultivated lands in the State of California, and to prevent persons entering thereon with firearms or dogs for the purpose of hunting, pursuing, shooting, or killing game, and to repeal all Acts in conflict therewith.

Senate Bill No. 479—An Act to amend Section 1090 of the Political Code, relating to appointive power of Governor.

Also: That they have examined and found the following bill correctly engrossed:

Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

NELSON, Chairman.

Senate Bill No. 265 ordered on file for third reading.

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Also: Assembly Bill No. 289—An Act to regulate the establishment of and maintenance of public laundries and public wash-houses in the cities and counties of the State.

Also: Assembly Bill No. 559—An Act to add a new section to the Political Code of the State of California, relating to the preservation of public health.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

MAGGARD, Chairman.

Senate Bill No. 607 and Assembly Bills Nos. 289 and 559 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 225—An Act to provide an ice-machine and cold-storage plant for the Mendocino State Hospital, with the necessary connections and fittings, and making an appropriation therefor.

Also: Senate Bill No. 226—An Act to provide an electric plant for lighting the buildings and grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 359—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Also: Senate Bill No. 595—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 598—An Act to provide for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 594—An Act to assist the City and County of San Francisco in driving a tunnel through Telegraph Hill in said city and county from a point on Montgomery Street near Jackson Street in a straight line to a point on said Montgomery Street near Lombard Street, and in lining such tunnel, and making an appropriation therefor.

Also: Senate Bill No. 472—An Act to provide for the location, construction, and maintenance of a State highway, commencing at the City of Vallejo, Solano County, and running thence to connect with the highway system of Solano County, by way of American Cañon, at Fairfield, the county seat of Solano County, and making an appropriation therefor.

Also: Senate Bill No. 453—An Act to provide for the location, construction, and maintenance of a State highway, commencing at a point in Contra Costa County at or near the residence of W. H. Buckley on the Fish Ranch Road, and running thence to the western end of what is known as Kennedy's Tunnel in Alameda County; creating the Alameda-Contra Costa Highway Fund; prescribing the duties of the various officers in connection therewith, and making an appropriation therefor.

Also: Senate Bill No. 390—An Act to provide for the location, construction, and maintenance of a State highway, commencing at or near San Fernando, and running thence to connect with the road known as the Fort Tejon Road, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 369—An Act to provide for the location, construction, and maintenance of a State highway, commencing at or near the City of San Jacinto, in Riverside County, and running thence to connection with the highway system of San Diego County, by way of the San Jacinto, Cahuilla, and Temecula Valleys, and making an appropriation therefor.

Also: Senate Bill No. 348—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor and secure an option of purchase therefor, and submit sketch plans and specifications for said prison; and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of incorrigibles at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes.

Also: Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyers' Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Also: Senate Bill No. 223—An Act to place the Lake Tahoe State Wagon Road under the care, control, management, and supervision of the Department of Highways of the State of California, to provide for necessary alterations and extensions on said road, and the repair and construction of the road structures thereon, and making an appropriation therefor, all of which is for the benefit of the State of California.

Also: Senate Bill No. 89—An Act providing for the construction of a State highway or free wagon road from Mt. Hamilton Observatory, in Santa Clara County, to the San Joaquin River in Stanislaus County, to connect with the most desirable public road leading to the Yosemite Valley; providing for the appointment of a Board of Commissioners, and authorizing and directing said Board of Commissioners to perform certain duties relating to the construction of such highway, and to condemn land and property for the purpose aforesaid, and making an appropriation for the expenditures and purposes provided in this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 602—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 597—An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 281—An Act to provide for the location and construction of a State highway from a point at or near Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Also: Senate Bill No. 213—An Act making an appropriation for repairs at the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers and dependent daughters and sisters of Union veterans who served honorably in the Civil War.

Also: Senate Bill No. 227—An Act to appropriate \$25,000 for the erection of a connecting building at the Mendocino State Hospital.

Also: Senate Bill No. 228—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital.

Also: Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

Also: Senate Bill No. 572—An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen while farm overseer at the California Home for the Care and Training of Feeble-Minded Children, during the years 1896, 1897, and 1898, in the sum of \$242.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

S. C. SMITH, Chairman.

Senate Bills Nos. 225, 226, 359, 595, 598, 594, 472, 453, 390, 369, 348, 224, 223, 89, 597, 602, 213, 227, 228, 555, and 572, and Assembly Bill No. 281 ordered on file for second reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Belshaw:

Resolved, That Senate Bills Nos 456, 563, 451, 149, 553, 416, 321, 392, 432, 512, 393, 430, 535, 58, 462, 606, 419, 299, 547, 405, 637, 229, 571, 601, 568, 110, and 164 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Hoey, Lukens, Muentner, Oneal, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—13.

NOES—Senators Ashe, Burnett, Corlett, Currier, Curtin, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Smith of Kern, Taylor, and Welch—20.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS—SECOND READING OF BILLS.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 563—An Act to amend Section 2712 of the Political Code, relating to the construction, maintenance, and repairs of bridges and tunnels, or the purchase of toll-roads.

During second reading of bill, the following amendment was offered by Senator Belshaw:

Amend enacting clause by inserting the word "represented," between the words "California" and "in."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 451—An Act for the payment of fees due to trial jurors, who have served as such in the Superior Court of the City and County of San Francisco under the Act of 1895.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting after the figures "1895" of the title, on first page, printed bill, the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Also:

Amend by striking out the word "therefore" in Section 1, line five, first page, printed bill, and inserting in lieu thereof the word "therefor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 149—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "six thousand four hundred and eighty-six dollars and eighty-six cents" in lines one and two, Section 1, first page, printed bill, and inserting in lieu thereof the words "three thousand two hundred and forty-three dollars and forty-three cents."

Amendment adopted.

Also:

Amend by striking out the words "six thousand four hundred and eighty-six dollars and eighty-six cents" in lines three and four, Section 2, first page, printed bill, and inserting in lieu thereof the words "three thousand two hundred and forty-three dollars and forty-three cents."

Amendment adopted.

By Senator Byrnes:

Amend by inserting after title: "The People of the State of California, represented in Senate and Assembly, do enact as follows: "

Amendment adopted.

Also:

Amend by striking out all of Section 4 and inserting: "This Act shall take effect on and after the first day of January, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Leavitt:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Leavitt be and he is hereby permitted to introduce a bill, to be numbered 649.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Plunkett, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—31.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Leavitt: Senate Bill No. 649—An Act to amend Section 530 of an Act to establish a Political Code, relating to the office of Superintendent of State Printing, and providing for the appointment of such officer by the Governor.

Bill read first time, ordered to print, and on file without reference to committee.

CONSIDERATION OF SPECIAL SENATE FILE—(RESUMED)—SECOND READING
OF BILLS.

Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor.

Passed on file.

Senate Bill No. 416—An Act appropriating money for the purchase of a plant for wiring the Napa State Hospital building for electric lights.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "immediately," in line one, Section 3, first page, printed bill, and inserting in lieu thereof the following: "January first, nineteen hundred and two."

Amendment adopted.

Also:

Amend the title by striking out the words "purchase of a plant for."

Also: By inserting the word "of" after the word "wiring."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 321—An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "damages done," in line five, Section 1, first page, printed bill.

Amendment adopted.

Also:

Amend by adding the following paragraph at the end of Section 3, page two, printed bill: "*Provided*, that the taker-up of said animal or animals must properly feed and water the same while under his care; and if he fail so to do shall forfeit all right of lien thereon."

Amendment adopted.

Also:

Amend by striking out the word "damages" wherever the same appears in Section 4, to wit: In lines three, nine, ten, thirteen, and twenty-three, pages two and three, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "were taken up," in line thirteen, Section 5, third page, printed bill, and inserting in lieu thereof the words "are held."

Amendment adopted.

Also:

Amend by striking out the word "damages," in lines seven and eighteen, Section 5, third page, printed bill.

Amendment adopted.

Also:

Amend by striking out the word "damages," in line three, Section 6, fourth page, printed bill.

Amendment adopted.

By Senator Caldwell:

Amend by inserting the words "or trespassing" after word "estray," Section 2, line one.

Amendment adopted.

Also:

Amend by inserting after the word "estray," line one, Section 1, "or trespassing."

Amendment adopted.

Also:

Amend by inserting in Section 4, line five, after word "estray," "or trespassing."

Amendment adopted.

Also:

Amend by striking out of Section 3, line thirteen, the word "fifteen," and inserting the word "twenty-five."

Amendment adopted.

Also:

Amend by striking out of Section 3, line fifteen, the word "five," and inserting the word "fifteen."

Amendment adopted.

Senator Cutter moved that the vote whereby the following amendments by Senator Caldwell were adopted—

Amend by inserting the words "or trespassing" after word "estray," Section 2, line one;

Also: Amend by inserting after the word "estray," line one, Section 1, "or trespassing";

Also: Amend by inserting in Section 4, line five, after word "estray," "or trespassing"—

be reconsidered.

Motion carried.

Amendments withdrawn.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 614—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all Acts amendatory thereof, as are in conflict herewith," approved March 20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to agricultural associations.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Smith of Kern, Senate Bill No. 321 was recalled from engrossment for the purpose of amendment.

Senate Bill No. 321—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill having been read second time on this day.

Senator Smith of Kern moved that the vote whereby the following amendments by Senator Caldwell to Senate Bill No. 321 were adopted—

Amend by striking out of Section 3, line thirteen, the word "fifteen," and inserting the word "twenty-five";

Also: Amend by striking out of Section 3, line fifteen, the word "five," and inserting the word "fifteen"—

be reconsidered.

Motion carried.

Senator Rowell moved that the amendments be laid on the table.

Motion carried.

CONSIDERATION OF SPECIAL SENATE FILE—(RESUMED)—SECOND READING OF BILLS.

Senate Bill No. 392—An Act concerning, confirming, and ratifying leases and other contracts made by any officer or board of officers of this State.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "the," in line two, Section 2, first page, printed bill, and inserting in lieu thereof the word "The."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "the," in Section 1, line nine, the words "unexpended balance of the."

Amendment adopted.

Also:

Amend by adding to Section 2 the following: "This Act shall be exempt from the provisions of an Act entitled 'An Act to regulate the erection of public buildings and structures,' approved April 1, 1872, and also of an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 23, 1876, and also of an Act entitled 'An Act to amend Section 3 of 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 23, 1876,' approved March 31, 1891, and also of an Act entitled an Act to amend Section 3 of 'An Act to regulate contracts on behalf of the State in relation to erections and buildings,' approved March 23, 1876, and an Act amendatory thereof, approved March 31, 1891,' approved March 27, 1895, and also all other Acts amendatory thereof and supplementary thereto."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees, and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "center," in line forty-nine, Section 1, second page, printed bill, and inserting in lieu thereof the words "westerly line."

Amendment adopted.

Also:

Amend by striking out the word "center," in line fifty, Section 1, second page, printed bill, and inserting in lieu thereof the words "westerly line."

Amendment adopted.

Also:

Amend by inserting after the word "railways," in line three hundred and fifty-eight, Section 1, tenth page, printed bill, the words "other than street railways used and maintained for the carriage of passengers only."

Amendment adopted.

Also:

Amend by striking out all after the word "canal," in line four hundred and twenty-two, Section 1, twelfth page, printed bill.

Amendment adopted.

Also:

Amend by adding at the end of Section 1, page twelve, the following:
"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.
Senate Bill No. 430—An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of clerks of said board.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "sixty days," in line two, Section 1, first page, printed bill, and inserting in lieu thereof the words "six months."

Amendment adopted.

Also:

Amend by striking out the word "five," in line six, Section 3, second page, printed bill, and inserting in lieu thereof the word "three."

Amendment adopted.

Also:

Amend by striking out the word "five," in line one, Section 5, second page, printed bill, and inserting in lieu thereof the word "three."

Amendment adopted.

Also:

Amend by striking out the period in line four, Section 5, second page, printed bill, and inserting in lieu thereof the following: "but no amount of the sum specified shall be available, or become payable, prior to January first, nineteen hundred and two."

Amendment adopted.

Also:

Amend by inserting the following on second page of printed bill:
"SEC. 6. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Also:

Amend by striking out the period after the word "tributaries," in last line of title of printed bill, and inserting in lieu thereof the following: "and making an appropriation therefor."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 535—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States. in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 58—An Act making an appropriation for the purchase and installment of improved machinery in the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "sixty" and the figures "60," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the word "thirty-five" and the figures "35."

Amendment adopted.

Also:

Amend by striking out the period after the word "same," in line six, Section 1, first page, printed bill, and inserting in lieu thereof the following: "provided, that no part of said appropriation shall be used for the purchase of type-setting machines."

Amendment adopted.

By Senator Leavitt:

Amend by striking out of Section 4 the word "immediately," and inserting in lieu thereof the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 462—An Act to amend Section 2349 of the Political Code of the State of California, relating to public way.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 606—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 419—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers and to the number and compensation of their deputies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 299—An Act to amend Section 290 of the Civil Code, relative to articles of incorporation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 547—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

During second reading of bill, the following amendment was offered by Senator Nutt:

Amend Section 1 by inserting after the word "county," in line thirteen, page one of the printed bill, the following: "and the Board of Supervisors shall allow the Sheriff his actual and necessary expenses in serving any civil or criminal process, or performing any other official duty within this county, at a distance by the ordinary route of travel of more than sixty miles from the county seat."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL SENATE FILE—THIRD READING OF BILL.

Senate Bill No. 479—An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 479 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—24.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 479 was this day passed.

CONSIDERATION OF SPECIAL SENATE FILE—SECOND READING OF BILLS— (RESUMED).

Senate Bill No. 637—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 229—An Act to amend Sections 5 and 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties in this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

During second reading of bill, the following amendment was submitted by Senator Shortridge:

Amend by striking out the period in line seventeen, second page, printed bill, and inserting the following: " ; provided, that nothing in this Act shall be construed as interfering, conflicting, or abrogating reclamation districts now established by law."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 571—An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California, located on the water front at San Francisco, California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 568—An Act to amend Section 1197 of the Political Code, relating to elections.

During second reading of bill, the following amendment was offered by Senator Smith of Los Angeles:

Amend by adding before the word "this," last line of bill, the word and figure "Section 3."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 110—An Act to enforce the rights of children and providing penalties for violations of the Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 554—An Act to prohibit the paying of employé's while he or they are in any saloon, or bar-room, or restaurant.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the period after the word "California," in line five, Section 1, first page, printed bill, and inserting in lieu thereof the following: "unless such employé or person may be working in public saloon, bar-room, or restaurant."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and cities and counties, and providing for a clerk and stenographer for County Superintendents for cities and counties, and for counties of the first class.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF SPECIAL SENATE FILE—THIRD READING OF BILL—
(RESUMED).

Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

Read third time, and passed on file.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Simpson, Tyrrell of Nevada, and Welch—25.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 289—An Act to declare a part of the Sonora and Mono Wagon Road, commencing east of Sonora at a point known as Long Barn, in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway.

Senate Bill No. 238—An Act to pay the claim of Thomas J. Walsh for conveying the election returns of Presidential Electors to Sacramento.

Senate Bill No. 186—An Act to amend an Act entitled "An Act to establish a Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893.

Senate Bill No. 263—An Act to add a new section to the Political Code, to be numbered 422½, authorizing the Secretary of State to appoint two additional clerks in his office in addition to the number now allowed by law, and fixing the compensation of such clerks.

Senate Bill No. 205—An Act to pay the claim of Ed E. Leake against the State of California.

Senate Bill No. 409—An Act to amend Section 963 of the Code of Civil Procedure.

Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Senate Bill No. 339—An Act to amend Section 3051 of the Civil Code of the State of California in reference to liens for services by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 27th day of February, 1901, at eleven o'clock and twenty minutes A. M.

NELSON, Chairman.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872, and to extend the provisions of said Act to private lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Corlett, Currier, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Rowell, Shortridge, Taylor, Tyrrell of Nevada, Welch, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Read third time, and passed on file.

Assembly Bill No. 464—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 464 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Hoey, Laird, Luchsinger, Muentner, Nelson, Nutt, Plunkett, Rowell, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM THE ASSEMBLY.

On motion of Senator Devlin, the Secretary was directed to request the Assembly to return Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit—a like Assembly bill having passed both houses of the Legislature.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 5—An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Taylor, Tyrrell of Nevada, Welch, and Wolfe—30.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 383—An Act to amend Section 1882 of the Political Code by increasing the number of years for which bonds may be issued.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 383 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 150—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, and 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 150 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Taylor, Tyrrell of Nevada, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 362—An Act to amend Section number 3951 of the Political Code of the State of California, relating to the boundaries of the County of San Mateo.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 362 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Taylor, Tyrrell of Nevada, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385—An Act to amend Section 857 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 385 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 409—An Act to amend Section 1346 of the Political Code, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 409 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Devlin, Goad, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 411—An Act to amend Section 1290 of the Political Code, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 411 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Rowell, Selvage, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 412—An Act to amend Section 1288 of the Political Code, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 412 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Flint, Goad, Hoey, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 319—An Act to amend an Act entitled "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean waters in this State," approved March 9, 1878.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 319 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Currier, Cutter, Devlin, Flint, Goad, Laird, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 232—An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of

paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Devlin moved a call of the Senate.

Motion carried.

Time, three o'clock and forty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and forty-eight minutes P. M., Senator Ashe was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused for absence from the Senate Chamber.

At three o'clock and fifty minutes P. M., Senator Oneal was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and fifty-one minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Bettman.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 232 was finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Selvage, Sims, Smith of Kern, Smith of Los Angeles, and Welch—23.

NOES—Senators Ashe, Bettman, Burnett, Hoey, Nelson, Pace, Plunkett, Rowell, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—13.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 232 was this day passed.

Assembly Bill No. 24—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing the proposed constitutional amendments.

Passed on file.

Assembly Bill No. 229—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 229 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Currier, Curtin, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Lukens, Nelson, Nutt, Oneal, Pace, Plunkett, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Welch, and Wolfe—24.

NOES—Senators Cutter and Maggard—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM THE ASSEMBLY.

On motion of Senator Devlin, the Secretary was directed to request the Assembly to return Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor—a like Assembly bill having passed both houses of the Legislature.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 368—An Act making an appropriation to pay the claim of O. O. Webber for costs of suit in foreclosing delinquent purchasers of State school lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 368 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Davis, Devlin, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 369—An Act appropriating \$300 to pay the claim of George E. Dierssen, as an assignee of George H. Stewart, for the arrest of W. H. Harrall, a highway robber (said Harrall having been killed while resisting arrest).

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 369 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Rowell, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—25.

NOES—Senators Laird, Nelson, and Pace—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or

additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Corlett, Curtin, Davis, Devlin, Flint, Goad, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—23.

NOES—Senators Oneal, Sims, and Tyrrell of San Francisco—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 76—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 1143, relating to the payment of jurors' fees.

Read third time.

Senator Curtin moved to refer to Senator Ashe, as a special committee of one, to amend as follows:

Amend by adding in line five, Section 1, after the word "cases," the words "in counties of the first class."

Motion lost.

TIME FOR CONSIDERING ASSEMBLY BILLS EXTENDED.

On motion of Senator Leavitt, the time for consideration of Assembly bills was continued until Assembly Bill No. 76 was considered.

Senator Curtin moved to refer to Senator Ashe, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line five, the word "two," and inserting the word "three."

The question being on the motion to appoint special committee of one.

The ayes and noes were demanded by Senators Curtin, Laird, and Lardner.

The roll was called, and the motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Curtin, Hoey, Laird, Lardner, Selvaqe, and Taylor—8.

NOES—Senators Bettman, Burnett, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 76 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvaqe, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—35.

NOES—Senator Lardner—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the notice of motion of Senator Caldwell that he would move to reconsider

the vote whereby Senate Bill No. 252 was on a previous day refused passage, having arrived, the same was taken up.

MOTION TO RECONSIDER.

In accordance with his notice on a previous day, Senator Caldwell moved that the vote whereby Senate Bill No. 252—An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people, by municipal corporations of the fifth and sixth classes—was on a previous day refused passage.

Senator Bettman moved that the motion to reconsider be laid on the table.

The question being on the motion to lay on the table.

The ayes and noes were demanded by Senators Bettman, Tyrrell of San Francisco, and Shortridge.

The roll was called, and the motion to lay on the table carried by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Cutter, Davis, Devlin, Hoey, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Oneal, Pace, Shortridge, Taylor, Tyrrell of San Francisco, and Wolfe—19.

NOES—Senators Belshaw, Caldwell, Currier, Curtin, Flint, Lardner, Lukens, Nutt, Rowell, Smith of Kern, and Tyrrell of Nevada—11.

SUSPENSION OF RULES.

Senator Leavitt asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bill No. 649.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Leavitt:

Resolved, That Senate Bill No. 649 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 649—An Act to amend Section 530 of an Act to establish a Political Code, relating to the office of Superintendent of State Printing, providing for the appointment of such officer by the Governor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 649 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Currier, Curtin, Cutter,

Davis, Devlin, Goad, Greenwell, Hoey, Leavitt, Lukens, Maggard, Nelson, Nutt, Pace, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—24.
NOES—Senators Lardner, Luchsinger, and Rowell—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS—(RESUMED).

Senator Caldwell asked for and was granted unanimous consent to take up Senate Bill No. 553 for immediate consideration.

Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "at or within a convenient distance from the City of San Jacinto, County of Riverside, State of California," in lines one and two, first page, printed bill, and inserting in lieu thereof the following: "In the County of Riverside, State of California, and at, or within a convenient distance from, the City of San Jacinto, in said county and State, if practicable."

Amendment adopted.

Also:

Amend by striking out the word "twenty-one," in line six, first page, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also:

Amend by inserting the word "and" after the comma, and between the words "Riverside" and "in" in line three, Section 4, page three of printed bill.

Amendment adopted.

Also:

Amend by striking out the word "twenty" in line eleven, Section 4, page three of printed bill, and inserting in lieu thereof the word "thirty."

Amendment adopted.

Also:

Amend by striking out the words "by the people of the County of Riverside" in lines twenty and twenty-one, Section 4, page three, printed bill, and inserting in lieu thereof the words "to the State."

Amendment adopted.

Also:

Insert in line twenty-four, Section 12, page six of the printed bill, after the period after the word "cause," the following: "Nothing in this Act shall be construed as prohibiting the appointment of a woman as superintendent."

Amendment lost.

Also:

Insert in line ten, Section 14, page six of the printed bill, after the comma and quotation marks after the words "San Jacinto," the words "but said transfer shall not be made prior to January first, nineteen hundred and three."

Amendment adopted.

Also:

Strike out the word "and," in line ten, Section 14, page six of printed bill.

Amendment adopted.

Also:

After the period after the word "institution," in line eleven, Section 14, page six of the printed bill, add the following: "The Trustees of the Whittier State School at the

time of the transfer above mentioned shall deliver to the Trustees of the Girls' Institute of San Jacinto all personal property and supplies belonging to or used in the girls' department of the Whittier State School."

Amendment adopted.

Also:

Amend by striking out the word "twenty-one" in line two, Section 15, page seven of the printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also:

Amend by striking out the word "twenty-one" in line eight, Section 15, seventh page, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also:

Amend by striking out the word "sixteen," in line thirteen, Section 16, page seven, printed bill, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Also:

Amend by striking out the word "twenty-one," in line one, Section 21, page ten, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also:

Amend by striking out the word "twenty-one," in lines four and five, Section 22, page ten, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also:

Amend by striking out the word "fifty" in line one, Section 32, page fifteen, printed bill, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Also:

Amend by striking out the figures "\$50,000," in line one, Section 32, page fifteen, printed bill, and inserting in lieu thereof the figures "\$15,000."

Amendment adopted.

Also:

Amend by striking out comma after the word "school," in line four, Section 32, page fifteen, printed bill, and inserting in lieu thereof a period.

Amendment adopted.

Also:

Amend by striking out of lines four, five, and six, Section 32, page fifteen, printed bill, the words "and for the maintenance of said school as herein provided for the two years commencing July first, nineteen hundred and one."

Amendment adopted.

Also:

Amend by inserting after the period after the word "warrants" in line sixteen, Section 32, page sixteen, printed bill, the following: "Said amounts so appropriated shall become available on and after January first, nineteen hundred and two."

Amendment adopted.

Also:

Amend by striking out Section 34 of the Act.

Amendment adopted.

Also:

Amend by striking out the word "twenty-one," in line two, Section 19, ninth page, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also:

Amend by striking out the word "twenty-one," in lines one and two, Section 20, ninth page, printed bill, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

Also:

Amend by striking out the words "by the people of the County of Riverside," in lines six and seven, Section 4, page three, printed bill.

Amendment adopted.

Also:

Amend by striking out the word "twenty-one," in the title of the Act, and inserting in lieu thereof the word "eighteen."

Amendment adopted.

By Senator Smith of Los Angeles:

Amend by striking out after the word "offenders," in Section 1, line five, the words "wayward and incorrigible girls."

Amendment adopted.

Also:

Amend by inserting in Section 4, in line three, third page, printed bill, after the word "school," the words "by and with the approval of the Governor."

Amendment adopted.

Also:

Amend by inserting in Section 4, in line eight, third page, printed bill, after the word "said," the words "or buildings and report immediately the site selected to the Governor for his approval."

Amendment adopted.

Also:

Amend by inserting in Section 4, in line nine, third page, printed bill, after the word "them," the words "and approved by the Governor."

Amendment adopted.

Also:

Amend by striking out of Section 7, beginning at line one, the first paragraph ending in line six with the word "inmates," and in lieu thereof inserting the following: "The Board of Trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employés, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary or conditional release of all girls committed to the school, as they may deem necessary and proper, and as are not contrary to the Constitution and to the laws of the State."

Amendment adopted.

Also:

Amend by striking out of Section 9, line one, the word "Superintendent," and inserting in lieu thereof the word "Matron."

Amendment adopted.

Also:

Amend by striking out of Section 9, line three, the words "not to exceed three thousand dollars per annum."

Amendment adopted.

Also:

Amend by inserting in Section 11, line one, after the word "meeting," the words "at least."

Amendment adopted.

Also:

Amend by striking out of Section 12, line one, the word "Superintendent," and in lieu thereof inserting the word "Matron."

Amendment adopted.

Also:

Amend by striking out of Section 12, line five, the word "Superintendent," and inserting in lieu thereof the word "Matron."

Amendment adopted.

Also:

Amend by striking out of Section 12, whenever they occur, the words "his" and "he," and inserting in lieu thereof the words "her" and "she," and as may be necessary to change the gender from masculine to feminine.

Amendment adopted.

Also:

Amend by striking out the word "Superintendent," in line nineteen, page eight, printed bill, and inserting in lieu thereof the word "Matron."

Amendment adopted.

Also:

Amend by striking out the word "Superintendent," in line seven, page nine, printed bill, and inserting in lieu thereof the word "Matron."

Amendment adopted:

Also:

Amend by striking out the word "Superintendent," in line thirty, page eight, printed bill, and inserting in lieu thereof the word "Matron."

Amendment adopted.

Also:

Amend by striking out the word "Superintendent," in line two, page eleven, printed bill, and inserting in lieu thereof the word "Matron."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FORESTRY AND WATER STORAGE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Forestry and Water Storage, to whom was referred Senate Bill No. 628—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases, and to manage said California Redwood Park—have had the same under consideration, and respectfully report the same back without recommendation, and that the same be referred to the Committee on Finance.

NUTT, Chairman.

Senate Bill No. 628 referred to Committee on Finance.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 559—An Act to amend Section 416 of the Political Code, relating to

the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Senate Bill No. 322—An Act amending Section 751 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the officers of cities of the fifth class.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 27th day of February, 1901, at twelve o'clock and five minutes P. M.

NELSON, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 457—An Act to add a new section, numbered 421, to the Penal Code of the State of California, relating to berths in sleeping-cars.

Also: Senate Bill No. 65—An Act to add a new chapter to Division I, Part IV, Title II, of the Civil Code, to be known and designated as Chapter IV, and to add nineteen new sections, to be known and designated as Sections 452, 452a, 452b, 452c, 452d, 452e, 452f, 452g, 452h, 452i, 452j, 452k, 452l, 452m, 452n, 452o, 452p, 452q, and 452r, relative to mutual insurance on the assessment plan (life, health, and accident insurance on the assessment plan).

Also: Senate Bill No. 636—An Act to add a new section to the Civil Code, numbered 638a, relating to withdrawals from mutual building and loan associations.

Also: Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code and all Acts and parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 504—An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California.

Also: Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

Also: Assembly Bill No. 425—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class and cities and counties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 573—An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporation, and to repeal an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891.

Also: Senate Bill No. 609—An Act to define express companies and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Also: Assembly Bill No. 334—An Act defining investment companies, and regulating and governing corporations, associations, and individuals engaging in the business of placing or selling debentures, bonds, or certificates of investment by whatsoever name such debentures, bonds, or certificates may be designated, and to protect the holders thereof and placing them under the supervision of the Bank Commissioners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

SIMPSON, Chairman.

Senate Bills Nos. 457, 65, 636, 502, 504, 640, 573, 609, and Assembly Bills Nos. 425 and 334 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 583—An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

DEVLIN, Chairman.

Senate Bill No. 583 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 549—An Act to amend Sections 7 and 8 of the Civil Code of the State of California, relating to legal holidays—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 549 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of \$165.40 in payment of the several following bills, and the Treasurer is directed to pay the same:

Frank Jones, rent of five typewriters for February	\$37 50
Mrs. E. L. Smith, washing towels	9 25
Buffalo Brewing Company, ice, February 1st to 9th	8 00
Tom Scott, electric fittings and plumbing	15 00
Capital Water Company, twenty days' water furnished	50 00
Serving subpoenas, and hack hire for same	12 00
Hook & Son, bracing shelving	2 00
F. R. Pulford, locks, and fitting desk keys	31 65
Total	\$165 40

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Carrier, Curtin, Cutter, Devlin, Flint, Goad, Hoey, Laird, Lardner, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Kern, Taylor, and Wolfe—25.

NOES—None.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee of the Senate appointed under authority of Joint Resolution No. 16, adopted on the 21st inst., to attend, in company with a like committee from the Assembly, the funeral ceremonies of the late Hon. Stephen M. White, held at Los Angeles on the 23d inst., respectfully report that they have performed that duty, and are entitled to expenses as follows:

J. C. Sims	\$92 50
J. B. Curtin	92 50
R. P. Ashe	92 50
	\$277 50

Your committee therefore asks the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of J. C. Sims for the sum of \$277.50, and the Treasurer is hereby directed to pay the same out of the said fund.

R. P. ASHE.
J. B. CURTIN.
J. C. SIMS.

Report read, and referred to Committee on Contingent Expenses.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Smith of Kern:

Resolved, That the sum of \$14.50 be and it is hereby appropriated out of the Contingent Fund of the Senate to pay the expenses, as per bills attached, of the special committee on taxation and revenue, appointed at the thirty-third session of the Legislature by resolution of the Senate; the State Controller is hereby directed to draw his warrant in favor of S. C. Smith for said sum of \$14.50, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Davis:

Resolved, That the sum of \$74 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the actual expenses of the members of the Committee on Judiciary visiting and examining China Basin, under authority of resolutions adopted by this body, and the State Controller is hereby directed to draw his warrant to

the order of the Sergeant-at-Arms of the Senate for said sum of \$74, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

CONSIDERATION OF CONCURRENT RESOLUTIONS—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to take up Senate Concurrent Resolution No. 13 for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 13.

Relative to the consent of the Legislature to absence from the State of State Senator C. M. Belshaw, of the Eleventh Senatorial District, for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that State Senator Hon. C. M. Belshaw, of the Eleventh Senatorial District, may depart from the State of California at any time during the remainder of his official term as State Senator, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Laird, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Senate concurrent resolution ordered transmitted to the Assembly.

Senator Shortridge asked for and was granted unanimous consent to take up Senate Concurrent Resolution No. 15 for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 15.

Relative to the consent of the Legislature to absence from the State of State Senator Louis Oneal, of the Thirty-first Senatorial District, for a period not to exceed twenty months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that State Senator Louis Oneal, of the Thirty-first Senatorial District, may depart from the State of California at any time during the remainder of his official term as State Senator, and remain absent for a period not to exceed twenty months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Pace, Rowell, Salvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—27.

NOES—Senator Burnett—1.

Concurrent resolution ordered transmitted to the Assembly.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT.

The following constitutional amendment was introduced:

By Committee on Finance: Senate Constitutional Amendment No. 20—Proposed amendment to Article IV of the Constitution, relative to highways.

Ordered to print and on file.

RECESS.

At the hour of four o'clock and fifty-five minutes p. m., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock p. m. of this day.

RECONVENED.

At eight o'clock p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Muentzer, Nelson, Nutt, O Neal, Pace, Plunkett, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

NELSON, Chairman.

Senate Bills Nos. 142 and 447 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein; and Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—having arrived, the same was taken up.

Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Read third time.

Senator Cutter moved to refer to Senator Tyrrell of Nevada, as a special committee of one, to amend as follows:

Amend by adding a new section on page two, printed bill, to be numbered 4, to read as follows:

"SEC. 4. This Act shall take effect on the first day of January, nineteen hundred and two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election

of members of the House of Representatives of the United States therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

J. G. TYRRELL, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

SPECIAL ORDER SET.

On motion of Senator Cutter, further consideration of Senate Bill No. 142 was made special order for Thursday, February 28, 1901, at eight o'clock P. M.

CONSIDERATION OF SPECIAL ORDERS—(RESUMED).

Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Read third time.

Senator Wolfe moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

Amend by inserting in line sixty, page ten of the printed bill, the word "the" before the word "waters," end of line.

Also: Insert comma in place of colon after the word "Geary" in line one hundred and forty-six of printed bill.

Also: In line ninety, printed bill, insert "the" instead of "a," after the word "at."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one and amendments adopted.

Senator Cutter moved to refer to Senator Tyrrell of Nevada, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line fifteen, printed bill, the words "the County of Placer," and inserting the words "the counties of Placer and El Dorado."

Also: Adding a new section on page sixteen, printed bill, to be numbered 7, to read: "Sec. 7. This Act shall take effect on the first day of January, nineteen hundred and two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

J. G. TYRRELL, Committee.

Report of special committee of one and amendments adopted.

Senator Simpson moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line one hundred and twenty, page four, the word "Vicente," and inserting the word "Vicente."

Also: Insert the word "city" after the word "Redondo," in line one hundred and nineteen, page four of the printed bill.

Also: Insert the word "city" after the word "Monica," in line one hundred and twenty, page four, printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one and amendments adopted.

Senator Nutt moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, lines three hundred and eighty-seven and three hundred and eighty-eight, page sixteen, the words "comprising the City of San Diego," and inserting the words "included within the corporate limits of the City of San Diego."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Committee.

Report of special committee of one and amendment adopted.

Senator Devlin moved to refer to Senator Cutter, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line twenty-six, the words "of the City of Sacramento and," and inserting the words "of that part of the City of Sacramento."

Also: By striking out of said Section 2, line twenty-nine, the words "of the City of Sacramento and," and inserting the words "of that part of the City of Sacramento."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

CUTTER, Committee.

Report of special committee of one and amendments adopted.

Senator Cutter moved to refer to Senator Goad, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line nineteen, the letter "n" in the word "Analy," and inserting the letter "v."

Also: By striking out in line three hundred and five, Section 2, page fourteen, the letter "n" in the word "Collins."

Also: By striking out the comma between the words "Lewis" and "Creek," in line three hundred and eight, page fourteen, printed bill.

Also: By striking out of Section 2, line two hundred and ninety-two, page thirteen, printed bill, the letter "P" in the word "Pucker," and inserting the letter "R."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

GOAD, Committee.

Report of special committee of one and amendments adopted.

Senator Rowell moved to refer to Senator Nutt, as a special committee of one, to amend as follows:

Insert in line three hundred and six, after the word "six," the words "Fresno number seven, Fresno number eight."

Also: In line three hundred and eleven, strike out letter "m" and insert "n" in the word "Wartham."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—with instructions to amend, respectfully reports the same back, amended as per instructions.

NUTT, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

SPECIAL ORDER SET.

On motion of Senator Cutter, the further consideration of Senate Bill No. 447 was made special order for Thursday, February 28, 1901, immediately following the special order already set for that date at eight o'clock P. M.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being further consideration of Senate Bill No. 139—An Act to revise the Penal Code of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, on motion of Senator Devlin the same was postponed until Thursday, February 28, 1901, immediately after the special orders heretofore set for consideration to follow the regular order after reports of standing committees, and was therefore made a special order for that date and hour.

THIRD READING OF BILLS.

On motion of Senator Leavitt, the Senate proceeded to consider the third reading of bills.

Senate Bill No. 476—An Act making an appropriation to pay the County of Alameda for the support of orphans, half-orphans, and abandoned children during the half year ending June 30, 1898.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 476 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Flint, Greenwell, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selva, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 427—An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 427 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Currier, Curtin, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 310 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—Senators Ashe, Luchsinger, Maggard, Plunkett, Sims, and Smith of Kern—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Read third time.

Senator Smith of Kern moved to refer to Senator Welch, as a special committee of one, to amend as follows:

Amend by striking out of Section 1 all after the semicolon in line five.

The question being on the motion to appoint special committee of one.

The ayes and noes were demanded by Senators Smith of Kern, Selvage, and Tyrrell of San Francisco.

The roll was called, and the motion lost by the following vote:

AYES—Senators Curtin, Goad, Lardner, Leavitt, Selvage, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—9.

NOES—Senators Belshaw, Bettman, Davis, Devlin, Flint, Greenwell, Laird, Lukens, Nutt, Oneal, Pace, Rowell, Simpson, Sims, Smith of Los Angeles, and Taylor—16.

Senator Selvage moved to refer to Senator Smith, as a special committee of one, to amend as follows:

Insert at the end of line twenty-two, page four of the printed bill, the following: "*Provided*, said board shall without examination indorse as satisfactory diplomas from any reputable dental college, when satisfied of the character of such institution, upon the holder furnishing evidence satisfactory to the board of his or her right to the same, and shall issue certificates to that effect within ten days thereafter. All certificates issued by said board shall be signed by said board, and shall entitle the holder to practice dentistry in the State of California."

Also: Amend by striking out all of Section 12 of printed bill.

Motion pending.

On motion of Senator Devlin, bill passed on file, to retain its place on file.

Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

Read third time.

Senator Nutt moved to refer to Senator Laird, as a special committee of one, to amend as follows:

Amend by inserting in Section 1, line five, after the word "or" the word "for," and after the word "fuel," same line, inserting the words "for domestic."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marketing, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes—with instructions to amend, respectfully reports the same back, amended as per instructions.

LAIRD, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

LEAVE OF ABSENCE.

Senator Smith of Los Angeles was granted a leave of absence from Thursday, February 28, 1901, until Monday, March 4, 1901, on his own motion.

THIRD READING OF BILLS—(RESUMED).

Senator Smith of Los Angeles asked for and was granted unanimous consent to take up Senate Bill No. 108 for immediate consideration.

Senate Bill No. 108—An Act empowering Boards of Supervisors of any of the several counties in the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 108 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Plunkett, Selvaige, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 768—An Act to amend the Penal Code by adding one new section to Title VII thereof, relative to crimes against public justice; said section to be numbered 181.

Also: Assembly Bill No. 769—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DAVIS, Chairman.

Senate Bill No. 396 and Assembly Bills Nos. 768 and 769 ordered on file for second reading.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of, and issuance of certificates to qualified applicants, with the designation of "certified public accountant"; and to provide the grade of penalty for violations of the provisions hereof.

Also: Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made.

Also: Senate Bill No. 585—An Act to amend Sections 1183, 1184, and 1185 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property and improvements thereon.

Also: Senate Bill No. 631—An Act to amend Section 853 of the Political Code of this State, relating to absence of officers.

Also: Senate Bill No. 605—An Act to provide one additional Judge of the Superior Court of the County of Alameda.

Also: Senate Bill No. 262—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872 by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Also: Senate Bill No. 565—An Act to amend Sections 3666, 3667, 3668, 3669, and 3670 of the Political Code of the State of California, relating to the collection of State, county, city and county, township, road, school, and other local district taxes levied upon property of railways assessed by the State Board of Equalization.

Also: Senate Bill No. 507—An Act to regulate the practice of architecture.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 621—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Also: Senate Bill No. 622—An Act to amend the Penal Code by adding one new section to Title VII thereof, relative to crimes against public justice: said section to be numbered 181.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn by author.

LUKENS, Acting Chairman.

Senate Bills Nos. 581, 483, 585, 631, 605, 262, 565, and 507 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Taylor asked for unanimous consent to withdraw Senate Bills Nos. 621 and 622.

Consent granted.

Bills withdrawn and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 18—Amending Article IV of the Constitution, relating to the division of the State into fish and game districts—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CALDWELL, Chairman.

Senate Constitutional Amendment No. 18 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Lukens:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Lukens be and he is hereby permitted to introduce a bill, to be numbered 650.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—30.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Committee on County Government: Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Bill read first time, and ordered to print and on file.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 28, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—36.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Wednesday, February 27, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, February 22, 1901, having been previously read and corrected, was approved.

PETITIONS.

The following petition from residents of Los Angeles County was presented by Senator Currier, and ordered printed in the Journal down to and including the tenth name:

FERNANDO, CAL., February 15, 1901.

To the HON. A. T. CURRIER, Sacramento, Cal.:

DEAR SIR: Whereas, we believe that a bill, introduced before the State Legislature January 29th by Senator Nelson of San Francisco, in regard to a license tax on liquor business, is undemocratic and contrary to the underlying principles of our government, in that it places unlimited power in the hands of one man, the tax collector; and whereas, we believe that its passage would be destructive to the best interests of our homes, our community, and our State, we, the undersigned, your constituents, desire to enter an earnest protest against the same.

A. A. Fairfield, Claude Welch, J. P. Frankhouse, William Allen, George Bates, R. A. Hoyt, John Stalker, R. H. Maclay, M. Prouty, A. C. Reed, and many others.

The following petition was presented by Senator Laird, and ordered printed in the Journal down to and including the tenth name:

To the HON. J. T. LAIRD, Sacramento, Cal.:

We, the undersigned citizens of Susanville, Lassen County, State of California, respectfully request that you introduce and urge the passage of a bill before the present Legislature appropriating to Agricultural District No 43 the sum of \$2,400, for the following reasons:

The appropriation made by the Legislature in 1899 to said district was not used because of misfortunes befalling the town which were unforeseen and unavoidable. A sum of money was raised by the citizens of Susanville and Honey Lake Valley which, with the sum so appropriated for the years 1899 and 1900, would have assured a successful fair, but before the time for holding such fair arrived the entire business portion of the town of Susanville was entirely destroyed by one of the most disastrous fires in its history. But from its ashes it has arisen, Phoenix-like, and now asks that a helping hand may be extended to lead it back to the position it once occupied as the gem of the "sage-brush belt."

With this aid Susanville will be able to give, this fall, one of the most successful fairs in its history, and distribute among the business men and the community money that they and it sorely need.

Fred Hines, H. W. Meylert, W. W. Scholl, J. H. Riley, P. J. Goumaz, James T. Boyd, Nathan & Schmidt, John B. Spalding, W. H. Earl, L. D. Neall, and many others.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act to amend an Act, approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita."

Also: Passed Senate Bill No. 165.—An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento.

Also: Amended, and passed as amended, Senate Bill No. 403—An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 62a and 62b, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or election to a public office, making the same a criminal offense and providing a penalty therefor.

Also: Amended, and passed as amended, Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Also: Passed Senate Bill No. 113—An Act relative to the meeting place of high school boards within municipal corporations.

Also: Passed Senate Bill No. 455—An Act to repeal an Act entitled "An Act to incorporate the Town of Downieville," approved March 18, 1863, and to repeal an Act amend-

tory thereof entitled "An Act to amend an Act entitled 'An Act to incorporate the Town of Downieville,' passed March 18, 1863," approved March 31, 1866.

Also: Adopted Senate Joint Resolution No. 14—Relative to inviting the Committee on Rivers and Harbors of the House of Representatives to visit the State of California.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 14?"

Amend by striking out the word "sixty," in line twenty-three, second page, printed bill, and inserting in lieu thereof the word "fifty-five."

The roll was called, and Assembly amendment to Senate Bill No. 14 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Simpson, Smith of Kern, and Welch—26.

NOES—None.

Senate Bill No. 14 ordered to enrollment.

Senate Bill No. 165 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 403?"

In lieu of figures "63," in title, insert the figures and letter "62a," and in lieu of figures "64," in same, insert the figures "62b," and in lieu of the word "three," in line two, of page one of printed bill, insert the word and letter "two a," and in lieu of the figures "63," in line three of page one of printed bill, insert the figures and letter "62a," and in lieu of the word "four," in line two, page two of printed bill, insert the word and letter "two b," and in lieu of the figures "64," in line three, page two of printed bill, insert the figures and letter "62b," and in lieu of the word "three," in line five, page two of printed bill, insert the word and letter "two a."

The roll was called, and Assembly amendment to Senate Bill No. 403 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Devlin, Flint, Goad, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Taylor, Tyrrell of Nevada, and Welch—28.

NOES—None.

Senate Bill No. 403 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 121?"

Strike out in line five, Section 2, page two of the printed bill, the words "a majority," and insert in lieu thereof the word "two-thirds."

The roll was called, and Assembly amendment to Senate Bill No. 121 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Devlin, Goad, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Taylor, Tyrrell of Nevada, Welch, and Wolfe—28.

NOES—None.

Senate Bills Nos. 121, 113, and 455 ordered to enrollment.

Senate Joint Resolution No. 14 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 485—An Act to amend Section 305 of the Civil Code, relating to corporations.

Also: Assembly Bill No. 515—An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Also: Assembly Bill No. 277—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction

of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3½, relating to the levying, and equalizing, and modifying and reapportionment, and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessments and reassessments, and against the improvements under said Act.

Also: Assembly Bill No. 447—An Act making an appropriation to pay claims for conveying children to the Home for Feeble-Minded Children at Eldridge.

Also: Assembly Bill No. 249—An Act to provide for the location, construction, and maintenance of a State highway connecting the highway system of Santa Barbara County with the highway system of Kern County, and making an appropriation therefor.

Also (a case of urgency): Assembly Bill No. 851—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 34—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons in justice court actions.

Also: Assembly Bill No. 33—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section, to be known as Section 2022, authorizing the taking of a deposition where the adverse party has not appeared, and providing the proceeding.

Also: Assembly Bill No. 320—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Also: Assembly Bill No. 556—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water.

Also: Assembly Bill No. 331—An Act to amend Section 374 of an Act entitled "An Act to establish a Penal Code."

Also: Assembly Bill No. 393—An Act to amend Sections 612 and 616 of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872.

Also: Assembly Bill No. 316—An Act to amend Section 296 of the Civil Code, relating to the filing of articles of incorporation.

Also: Assembly Bill No. 386—An Act to amend Sections 296 and 297 of the Civil Code of California, and adding a new section to the said Civil Code, to be known and numbered as Section 296a, prescribing the duties of the Secretary of State relative to filing articles of incorporation, and to prevent duplicating names.

Also: Assembly Bill No. 484—An Act to amend Section 290 of the Civil Code, relating to articles of incorporation.

Also: Amended, and passed as amended, Senate Bill No. 112—An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools.

Also: Concurred in Senate amendments to Assembly Bill No. 279—An Act making an appropriation to pay the claim of Fred B. Blakeley, for the arrest of Ygnacio Eisler, a highway robber.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 485 read first time, and referred to Committee on Corporations.

Assembly Bill No. 515 read first time, and referred to Committee on Corporations.

Assembly Bill No. 277 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 447 read first time, ordered on file, and referred to Committee on Finance.

Assembly Bill No. 249 read first time, and referred to Committee on Highways.

Assembly Bill No. 851 read first time, and referred to Committee on Finance.

Assembly Bill No. 34 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 33 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 320 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 556 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 331 read first time, and referred to Committee on Health.

Assembly Bill No. 393 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 316 read first time, and referred to Committee on Corporations.

Assembly Bill No. 386 read first time, and referred to Committee on Corporations.

Assembly Bill No. 484 read first time, and referred to Committee on Judiciary.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 112?"

ASSEMBLY AMENDMENT.

Amend by striking out from line twenty of the printed bill the following words, "in incorporated cities and high schools."

The roll was called, and Assembly amendment to Senate Bill No. 112 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Senate Bill No. 112 ordered to enrollment.

RESOLUTIONS.

The following resolutions were offered:

By Senator Cutter:

Resolved, That the sum of \$200 is hereby appropriated from the Contingent Fund of the Senate for the purpose of branding all of the furniture belonging to the Senate Chamber, and for the use of the different committees; also for the purchasing of boxes, packing, marking, and shipping all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of State is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the above amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Luchsinger:

Resolved, That the sum of \$144.80 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of members of committees on visiting and examining Ukiah State Hospital at Mendocino, under authority of resolution adopted by this body, and the State Controller is hereby directed to draw his warrant to the order of the Sergeant-at-Arms of the Senate for said sum, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee of the Senate appointed under authority of Joint Resolution No. 16, adopted on the 21st inst., to attend, in company with a like committee from the Assembly, the funeral ceremonies of the late Hon. Stephen M. White,

held at Los Angeles on the 23d inst., respectfully report that they have performed that duty, and are entitled to expenses as follows:

J. C. Sims	\$92 50
J. B. Curtin	92 50
R. P. Ashe	92 50
	<hr/>
	\$277 50

Your committee therefore asks the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of J. C. Sims for the sum of \$277.50, and the Treasurer is hereby directed to pay the same out of the said fund.

R. P. ASHE.
J. B. CURTIN.
J. C. SIMS.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Beitman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Simpson, Smith of Kern, Taylor, and Wolfe—28.

NOES—None.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

DEVLIN, Chairman.

Senate Bill No. 601 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 851—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

S. C. SMITH, Chairman.

Assembly Bill No. 851 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 328—An Act to amend Section 3951 of the Political Code of the State of California, relating to the boundaries of the County of San Mateo—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

Also: Senate Bill No. 616—An Act to amend Section 192 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 613—An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou.

Also: Senate Bill No. 644—An Act to amend Sections 2641, 2642, 2643, and 2645 of the Political Code of the State of California, and to add new sections thereto, to be known as and numbered Sections 2646, 2646a, 2646b, 2646c, 2646d, 2646e, 2646f, relating to abolishing the office of Road Commissioner, and creating the office of Roadmaster.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Senate Bills Nos. 616, 613, and 644 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Byrnes asked for unanimous consent to withdraw Senate Bill No. 328.

Consent granted.

Bill withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 14—Relative to the Calaveras Sequoia Grove—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LAIRD, Chairman.

Assembly Joint Resolution No. 14 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 614—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all acts amendatory thereof, as are in conflict herewith," approved March 20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to agricultural associations.

Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees and for the acquisition of the control of the Monterey custom house property, and providing an appropriation for the preservation, protection, and improvement of said property.

Senate Bill No. 430—An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of a clerk of said board.

Senate Bill No. 535—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection which has heretofore been or which may hereafter be authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the money so collected.

Senate Bill No. 606—An Act making an appropriation to pay expenses incurred in the State Forestry Station at Chico, California.

Senate Bill No. 419—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to compensation of county officers and for the number and compensation of their deputies.

Senate Bill No. 299—An Act to amend Section 290 of the Civil Code, relative to articles of incorporation.

Senate Bill No. 637—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor.

Senate Bill No. 571—An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California, located on the water front of San Francisco, California.

Senate Bill No. 110—An Act to enforce the educational rights of children, and providing penalties for the violation of the Act.

Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and cities and counties, and providing for a clerk and stenographers for county superintendents for cities and counties, and for counties of the first class.

Senate Bill No. 462—An Act to amend Section 2340 of the Political Code of the State of California, relating to public way.

NELSON, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 280—An Act to add a new section to the Political Code, to be known as Section 1890, relating to the formation of public school districts.

Also: Senate Bill No. 618—An Act to amend Sections 1593, 1615, and 1713, and to repeal Section 1714 of the Political Code of the State of California, relating to the public schools.

Also: Senate Bill No. 641—An Act to amend Section 1665, and to repeal Section 1666 of the Political Code of the State of California, relating to the course of study for the public schools of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 624—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as Section 1523, relating to the compilation of text-books for use in the public schools of the State, and making an appropriation therefor.

Also: Senate Bill No. 625—An Act amending Section 2237 of the Political Code, relating to the name and purpose of the Deaf, Dumb, and Blind Asylum.

Also: Senate Bill No. 643—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as Section 1523, relating to the compilation of text-books for use in the public schools of the State, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that Nos. 625 and 643 do pass, and that No. 624 be withdrawn.

LARDNER, Chairman.

Senate Bills Nos. 280, 618, 641, 625, and 643 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Lukens asked for unanimous consent to withdraw Senate Bill No. 624.

Consent granted.

Senate Bill No. 624 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Senate Bill No. 627—An Act to authorize and empower the Board of Directors of San Quentin State Prison to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 627 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 620—An Act making an appropriation to pay the claim of the County of Marin against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

S. C. SMITH, Chairman.

Senate Bill No. 620 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 531—An Act to amend the Code of Civil Procedure by adding a new chapter to Title X of Part II thereof, to be numbered Chapter VII, embracing Sections 828 to 831g, inclusive, relating to actions for divorce—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Assembly Bill No. 531 ordered on file for second reading.

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893—have had the same under consideration, and respectfully report the same back without recommendation.

J. R. TYRRELL, Chairman.

Assembly Bill No. 435 ordered on file for second reading.

SUSPENSION OF RULES.

Senator Leavitt asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bill No. 851.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Leavitt:

Resolved, That Assembly Bill No. 851 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 851—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 851 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILL—(OUT OF ORDER).

On motion of Senator Devlin, Senate Bill No. 601 was taken up for consideration.

Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "practicable," in line nine, page three, Section 1359, printed bill, and inserting in lieu thereof the word "applicable."

Amendment adopted.

Also:

Amend by inserting the words "for each participating political party" after the word "ballots," in line fourteen, page three, Section 1359, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "Act and" after the word "this" in line twenty-four, page four, Section 1360 of the printed bill.

Amendment adopted.

Also:

Amend by inserting the word "the" after the word "to," in line twenty-six, page four, Section 1360, printed bill.

Amendment adopted.

Also:

Amend by striking out the word "sued" after the word "be," in line twelve, page four, printed bill, and inserting in lieu thereof the word "used."

Amendment adopted.

Also:

Amend by inserting after the word "county" in line ninety-two, page six, printed bill, the word "city."

Amendment adopted.

Also:

Amend by striking out the word "be" after the word "must," in line one hundred and twenty-two, page seven of the printed bill.

Amendment adopted.

Also:

Amend by inserting the word "city" after the word "county," in line ten, page seven, printed bill, and before the word "or."

Amendment adopted.

Also:

Amend by inserting the word "city" after the word "county," and before the word "or," in line twelve, page seven, printed bill.

Amendment adopted.

Also:

Amend by striking out the word "Republican," in line fifty-four, page eleven, printed bill, and inserting in lieu thereof the following: "(Insert name of party)."

Amendment adopted.

Also:

Amend by striking out the word "than," in line sixty-five, page twelve, printed bill, and inserting in lieu thereof the word "then."

Amendment adopted.

Also:

Amend by striking out the word "Republican," in line sixty-six, page twelve, printed bill, and inserting in lieu thereof the following: "(Insert name of party)."

Amendment adopted.

Also:

Amend by striking out the word "Republican," in line sixty-seven, page twelve, printed bill, and inserting in lieu thereof the following: "(Insert name of party)."

Amendment adopted.

Also:

Amend by striking out the word "Republican," in line seventy-seven, page twelve, printed bill, and inserting in lieu thereof the following: "(Insert name of party)."

Amendment adopted.

Also:

Amend by inserting the word "city" before the word "county," first appearing in line seventy-seven, page twelve, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "after writing," in Section 1367, line three, page thirteen, printed bill, and inserting in lieu thereof the words "shall write."

Amendment adopted.

Also:

Amend by striking out the word "having," in Section 1367, line four, page thirteen, printed bill, and inserting in lieu thereof the words "shall have."

Amendment adopted.

Also:

Amend by inserting the words "and he" after the word "law," in Section 1367, line five, page thirteen, printed bill.

Amendment adopted.

Also:

Amend by striking out the word "general" after the word "ensuing," in Section 1367, line fourteen, page thirteen, printed bill.

Amendment adopted.

Also:

Amend by inserting after the word "oath," in Section 1367, line sixteen, page thirteen, printed bill the words "or affirmation."

Amendment adopted.

Also:

Amend by inserting after the word "are," in Section 1367, line eighteen, page thirteen, printed bill, the words "to be."

Amendment adopted.

Also:

Amend by inserting after the word "overruled," in Section 1367, line twenty-one, page thirteen, printed bill, the words "or withdrawn."

Amendment adopted.

Also:

Amend by striking out the word "Act," in Section 1378, line one, page fifteen, printed bill, and inserting in lieu thereof the word "chapter."

Amendment adopted.

Also:

Amend by striking out the word "Act," in Section 1378, line five, page fifteen, printed bill, and inserting in lieu thereof the word "chapter."

Amendment adopted.

Also:

Amend by striking out the word "Act," in line thirty-seven, page sixteen, printed bill, and inserting in lieu thereof the word "chapter"; also, amend by striking out all of line thirty-eight after the word "after."

Amendment adopted.

Also:

Amend by striking out all of lines thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, and that portion of line forty-nine to and including the word "effect," where it first occurs on page sixteen, printed bill, and inserting in lieu thereof the following: "A majority vote therefor by the electors of such city, or city and county, or county, or political subdivision of lesser population, at a general or special election, at which the question shall have been submitted in manner as follows: When a petition signed by electors of such city, city and county, county, or political subdivision of lesser population in number equal to one half of the total vote cast in such city, city and county, county, or political subdivision of lesser population at the last preceding general election, is filed with the legislative body or council of a city, in case such election is to be held in such city, or in other cases with the Board of Supervisors of the county wherein such election is to be held, asking that such question be submitted to a vote of such electors, the said legislative body, council, or Board of Supervisors shall, by proclamation, submit such question to the vote of such electors at the next general election; *provided*, that if it be demanded in such petition that the question be submitted at a special election, it shall be so submitted, and such special election shall be held within thirty days after the first regular meeting of such legislative body, council, or Board of Supervisors, after the filing of such petition. The ballots used at such general or special election shall contain the words 'for the primary law' and 'against the primary law.' Such elections shall be conducted and the notices thereof shall be given and the returns canvassed in all respects as provided by law for the conducting of general elections, and the canvassing the returns thereof. In case a majority of the votes cast at such election on such questions shall be for the primary law, the provisions of this chapter shall take effect."

Amendment adopted.

Also:

Amend by striking out all that portion of line fifty-two, page sixteen, printed bill, after the word "similar"; also, all of lines fifty-three and fifty-four, same page, and by inserting in lieu thereof the word "vote."

Amendment adopted.

Also:

Amend by striking out the word "Act" in line fifty-five, page sixteen, printed bill, and inserting in lieu thereof the word "chapter."

Amendment adopted.

Also:

Amend by striking out the words "decision and declaration," in line fifty-six, page sixteen, printed bill, and inserting in lieu thereof the word "vote."

Amendment adopted.

Also:

Amend by striking out the words "decision and declaration," in line fifty-eight, page sixteen, printed bill, and inserting in lieu thereof the word "vote."

Amendment adopted.

Also:

Amend by inserting the words "and four" after the word "hundred," in Section 1373, line one, page seventeen, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "official primary law is," in lines three and four, page seventeen, Section 1373, printed bill, and inserting in lieu thereof the following: "provisions of this chapter are."

Amendment adopted.

Also:

Amend by striking out the words "a convention," in line five, page seventeen, printed bill, Section 1373, and inserting in lieu thereof the words "State and district conventions."

Amendment adopted.

Also:

Amend by striking out the words "with this chapter," Section 1373, line seven, page seventeen, printed bill, and inserting in lieu thereof the word "therewith."

Amendment adopted.

Also:

Amend by striking out the words "all the," Section 1373, line eight, page seventeen, printed bill, and inserting in lieu thereof the words "of said."

Amendment adopted.

Also:

Amend by striking out the words "of this chapter" in same line.

Amendment adopted.

Also:

Amend by striking out all of lines one, two, three, four, five, six, seven, eight, nine, and ten, Section 1374, page seventeen, printed bill, and inserting in lieu thereof, the following:

"Section 1374. Wherever the provisions of this chapter are in force and effect, the ballots for the respective political parties cast at the primary election must after being counted be sealed in separate envelopes in the manner provided for sealing and certifying ballots at general elections, and each such package must have written or printed thereon plainly the designation of the political party and the number of the primary precinct where the same were cast. Such ballots must not be destroyed until after the adjournment of the political convention for which delegates were elected by such ballots. If there shall be a contest before any political convention and the contestant shall have in writing charged that the ballots in a designated precinct or precincts were not correctly counted, and that a recount thereof would show the election of the contestant as a delegate, then any committee to which such convention has referred such contest shall have power to issue a subpoena directed to the election commissioners or body having charge and custody of such ballots, or to the chairman or clerk, secretary, or registrar of voters thereof, commanding such person or persons to forthwith produce the envelopes containing the ballots for such party cast in the precinct or precincts designated in such subpoena, and if such subpoena shall be accompanied by a tender of the witness and mileage fees allowed by law in civil actions, the person or persons to whom such subpoena is directed must forthwith take such ballots so sealed before such committee, or send the same so sealed by some person named over his signature as the bearer thereof, who shall forthwith take such ballots sealed before such committee. Such subpoena may be served by telegraphic copy, telegraphed by the chairman or secretary of such committee, and any person disobeying such subpoena shall upon the application of such committee to the Superior Court of the county where such subpoena was properly served be cited by said court to show cause why he should not be punished for contempt of such committee, and if he be found guilty of such disobedience he may be punished for such contempt by such court in the same manner as provided for punishment for contempt for disobedience to a subpoena in a civil action. If, when such ballots are produced before such committee, it shall resolve that the same be recounted, it may order the seal to be broken and may recount such ballots for any precinct, and declare the result thereof, and report the same to such convention, and such ballots be reenclosed in the envelope from which they were taken, and be returned to the place from which they came."

Amendment adopted.

Also:

Amend by striking out all of Section 1375 on page seventeen, printed bill, and all of pages eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, and twenty-four, printed bill, and inserting in lieu thereof the following:

"Section 1375. If any delegate elected under the provisions of this chapter shall die before the convention to which he was elected convenes, then the other delegates thereto who were voted for in the same territory as such deceased delegate, shall have power to determine by a majority vote which of such delegates may cast an additional vote in such convention, and thereupon the delegate so named may cast such additional vote in such convention. If any delegate elected under the provisions of this chapter shall by reason of sickness or other cause be unable to attend the convention to which he was so elected, he shall be entitled to designate another delegate elected to such convention who was voted for in the same territory as himself at such primary election as his proxy. Such proxy must be in writing, and signed and acknowledged in the manner required for a conveyance of real property, and thereupon the delegate named in such proxy, and no other, may cast in such convention the vote of the delegate so giving the same; but the manner of appointment and voting of proxies by delegates selected in territory where the provisions of this chapter are not mandatory or in force or effect shall be subject to the rules made by the convention.

"Section 2. The provisions of this Act shall take effect immediately."

Amendment adopted.

Also:

Amend the title to said printed bill by striking out after the figures 1375, on page one thereof, the following: "and by amending Sections 1186, 1187, and 1188 of said Political Code"; also, "political conventions, nominations, and political committees."

Amendment adopted.

On motion of Senator Devlin, bill ordered to print and still open to amendment on second reading.

At ten o'clock and fifty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of all Senate constitutional amendments on file, having arrived, the same was taken up.

Senate Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to Section 3 of Article XV of the Constitution of the State of California, relating to harbor-fronts and tide-waters.

Passed on file.

Senate Constitutional Amendment No. 15—Proposed amendment to Article VI of the Constitution, relative to the judiciary and establishing Courts of Appeal.

Passed on file.

Senate Constitutional Amendment No. 17—Proposed amendment to Article IV of the Constitution, relative to time of assembling of the Legislature.

Senate constitutional amendment read.

The question being on the adoption of Senate Constitutional Amendment No. 17.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Devlin moved a call of the Senate.

The question being on the adoption of the motion for a call of the Senate.

The ayes and noes were demanded by Senators Devlin, Wolfe and Simpson.

The roll was called, and the motion carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Curtin, Davis, Devlin, Hoey, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pace, Plunkett, Shortridge, Tyrrell of San Francisco, and Wolfe—20.

NOES—Senators Flint, Goad, Laird, Maggard, Nutt, Rowell, Simpson, and Smith of Kern—8.

Time, eleven o'clock A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and two minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Devlin.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Constitutional Amendment No. 17 was refused adoption by the following vote:

AYES—Senators Burnett, Caldwell, Currier, Laird, Lardner, Leavitt, Maggard, Nelson, Oneal, Pace, Plunkett, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—15.

NOES—Senators Ashe, Belshaw, Bettman, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Luchsinger, Lukens, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, and Smith of Kern—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Devlin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 17 was this day refused adoption.

SPECIAL ORDER RESET.

On motion of Senator Davis, all pending Senate constitutional amendments on file were made special order for Friday, March 1, 1901, immediately following the regular order after introduction of bills.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of the veto of the Governor to Senate Bill No. 2, having arrived, the same was taken up.

The question being, "Shall Senate Bill No. 2 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Ashe, Belshaw, and Burnett—3.

NOES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, and Wolfe—24.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Senator Wolfe asked for and was granted unanimous consent to take up Senate Bill No. 265 for immediate consideration.

Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 265 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Devlin, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senators Belshaw, Davis, Flint, Goad, Laird, Lardner, Rowell, and Shortridge—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE RECESS.

At the hour of twelve o'clock and fifteen minutes P. M., Senator Bettman moved that the Senate do now take a recess until two o'clock P. M. of this day.

Motion lost.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced:

By Senator Goad: Senate Concurrent Resolution No. 17—Relative to adjournment *sine die*.

On motion of Senator Leavitt, the resolution was referred to Committee on Finance.

RECESS.

At twelve o'clock and twenty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nutt, Oneal, Plunkett, Rowell, Selva, Simpson, Sims, Taylor, Welch, and Wolfe—31.

Quorum present.

LEAVE OF ABSENCE.

Senator Nelson was granted leave of absence for the day, on motion of Senator Bettman.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 53—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Passed on file.

Assembly Bill No. 24—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing the proposed constitutional amendments.

Passed on file.

Assembly Bill No. 264—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 209, relating to crimes and penalties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 231—An Act to amend Section 571 of the Civil Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 231 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, and Taylor—24.

NOES—Senators Oneal, Plunkett, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Passed on file.

Assembly Bill No. 397—An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 397 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Maggard, Nutt, Oneal, Plunkett, Selvage, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 588—An Act to amend Section 180 of the Penal Code of the State of California, approved February 10, 1899, relating to the bringing into State prisons, jails, reformatories, etc., opium, morphine, cocaine, or other narcotics, intoxicating liquors, firearms, etc.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 283—An Act to amend Section 357 of the Penal Code, relating to marking and branding, changing, altering, or defacing the marks and brands of domestic animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 285—An Act to add a new section to the Penal Code, the said section to be designated 357½, relating to the marking and branding or altering, changing, or defacing marks and brands on domestic animals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 430—An Act to prohibit the use, by purchasers of milk, cream, or other dairy products, of apparatus, test bottles, or other appliances showing false percentages of cream, butter-fat, or richness, or which by their use are calculated to deceive or defraud.

During second reading of bill, the following amendment was offered by Senator Taylor :

Amend Section 1 by inserting after the word "richness," line seven, the words "or weight."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 407—An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1899.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 757—An Act to amend Section 473 of the Civil Code of the State of California, relating to consolidation of railroad corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 289—An Act to regulate the establishment of and maintenance of public laundries and public wash-houses in the cities and counties of the State.

Bill read second time, and ordered on file for third reading.

At two o'clock and thirty minutes P. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

Assembly Bill No. 559—An Act to add a new section to the Political Code of the State of California, relating to the preservation of public health.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 425—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, and cities and counties.

Passed on file.

Assembly Bill No. 281—An Act to provide for the location and construction of a State highway from a point at or near Merced Falls to the boundary line of the Yosemite National Park at its crossing of the

Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the preamble in the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend the title by adding after the word "thereof," the following: "and repealing an Act entitled 'An Act to appropriate money for the survey, location, and construction of a free wagon road from the Town of Mariposa, in Mariposa County, to the Yosemite Valley,' approved March 26, 1895."

Amendment adopted.

AMENDMENT No. 3.

Amend Section 1, by adding at the end of the section, in the printed bill, the following: "Of the money herein appropriated, the sum of five thousand dollars (\$5,000) shall become available immediately, and the remaining sum of forty-five thousand (\$45,000) dollars shall become available whenever the Congress of the United States shall have made an appropriation for the continuation of the road herein provided for, from the line of the Yosemite National Park to the line of the Yosemite Valley."

Amendment adopted.

AMENDMENT No. 4.

Amend by adding a new section, Section 4, to read as follows:

"Sec. 4. An Act entitled 'An Act to appropriate money for the survey, location, and construction of a free wagon road from the Town of Mariposa, in Mariposa County, to the Yosemite Valley,' approved March 26, 1895, is hereby repealed."

Amendment adopted.

AMENDMENT No. 5.

Change the number of present Section "4" of the printed bill to Section "5."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 334—An Act defining investment companies, and regulating and governing corporations, associations, and individuals engaging in the business of placing or selling debentures, bonds, or certificates of investment by whatsoever name such debentures, bonds, or certificates may be designated, and to protect the holders thereof, and placing them under the supervision of the Bank Commissioners.

During second reading of bill, the following amendment was offered by Senator Davis:

Amend by striking out of the enacting clause the word "the" before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 563—An Act regulating and limiting the sale of convict-made articles.

During second reading of bill, the following amendment was offered by Senator Luchsinger:

Amend by adding to Section 1, after "Section 1," the words "A new section is hereby added to the Penal Code to be known and numbered 679a, and to read as follows: Sec. 679a, 1;" and in line one of Section 2 strike out "Sec." at beginning of Section 2; also, strike out the whole of Section 3, and change "Sec. 4" to "Sec. 2."

Also: Add to title after "An Act," the words "to add a new section to the Penal Code, to be known and numbered 679a."

Amendments adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 768—An Act to amend the Penal Code by adding one new section to Title VII thereof, relative to crimes against public justice, said section to be numbered 181.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 769—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Bill read second time, and ordered on file for third reading.

SUSPENSION OF RULES.

Senator Belshaw asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bills Nos. 620 and 584.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Belshaw:

Resolved, That Senate Bills Nos. 620 and 584 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 620—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 584—An Act to amend Section 475 of the Political Code of the State of California, relating to clerks and phonographic reporter in the office of the Attorney-General, and fixing the salary thereof.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 584 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nutt, Plunkett, Selvage, Simpson, Taylor, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received and read:

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities—report that we have met a like committee of the Assembly, consisting of Assemblymen Brown of San Mateo, Sheridan, and Dunlap—and we report that the conference committee failed to agree, and recommend appointment of free conference committee.

F. W. LEAVITT,
E. K. TAYLOR,
S. C. SMITH,

Senate Committee of Conference.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above report, and on motion of Senator Leavitt, the President appointed Senators Taylor, Leavitt, and Smith of Kern as a committee of free conference on Senate Bill No. 115.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Devlin, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California, by amending certain sections, repealing others, and adding certain new sections.

Also: Passed the following:

Assembly Bill No. 683—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Assembly Bill No. 49—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Assembly Bill No. 86—An Act to amend Section 208 of the Penal Code.

Assembly Bill No. 382—An Act to provide for the appointment of a trustee who shall accept the gift of land, purchase a monument, and properly mark the spot where the treaty of Cahuenga was made, and appropriating money therefor.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, in pursuance of your request, herewith returns to your honorable body Senate Bill No. 270—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit

Also: Senate Bill No. 187—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 111—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice, and the practice of attorneys and counselors-at-law, in the courts of this State.

Also: Adopted Assembly Joint Resolution No 15—Relative to the "Humboldt Indian Claims."

Also: Occurred in Senate amendments to the following Assembly bills:

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to prevent the destruction of forests by fire on public lands," approved February 13, 1872, and to extend the provisions of said Act to private lands.

Assembly Bill No. 54—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling

or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Assembly Bill No. 150—An Act to amend Sections 4, 5, 6, 10, 13, and 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and to add three new sections to said Act, to be known as Sections 20, 21, 22, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and liens on property in certain cases arising under this Act.

Assembly Bill No. 319—An Act to amend an Act entitled "An Act to regulate the use of artesian wells and to prevent the waste of subterranean waters in this State," approved March 9, 1878.

Assembly Bill No. 464—An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 421—An Act making an appropriation of \$6,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Also: Assembly Bill No. 423—An Act making an appropriation of \$4,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a concrete sidewalk along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Also: Assembly Bill No. 41—An Act to provide for a segregated hospital building, and for further equipping of the Deaf, Dumb, and Blind Asylum at Berkeley.

Also: Assembly Bill No. 690—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year.

Also: Adopted Senate Concurrent Resolution No. 13—Relative to the consent of the Legislature to absence from the State of State Senator C. M. Belshaw, of the Eleventh Senatorial District, for a period not to exceed six months.

Also: Adopted Senate Concurrent Resolution No. 15—Relative to the consent of the Legislature to absence from the State of State Senator Louis Oneal, of the Twenty-first Senatorial District, for a period not to exceed twenty months.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senator Devlin moved that the following Assembly amendments to Committee Substitute for Senate Bill No. 138—Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, and 16—be concurred in, and that No. 8 be not concurred in.

The question being, "Shall the Senate concur in the following Assembly amendments to Committee Substitute for Senate Bill No. 138?"

AMENDMENT No. 1.

That Section 26 of the bill (No. 170 of the code) be amended by striking out from and after the word "department," in line twenty-four, to and including the word "proceeding," in line twenty-eight, and by inserting in place thereof the words: "Where the disqualification of a judge does not appear by the pleadings he may proceed with the trial of the cause unless, at least one day before the time fixed for such trial, an affidavit is served on the adverse party or his attorney and filed in court, showing such disqualification. If the affidavit respects any disqualification designated in subdivisions one, two, or three of this section, affidavits may be filed at least one day thereafter, or such further time as the court may grant for filing such counter affidavits, not exceeding five days, and for such purpose the court may continue the trial. In no one cause or proceeding can more than one such change of judges be had."

AMENDMENT No. 2.

That Section 27 of the bill (No. 198 of the code) be amended by striking from line six the words "and not exceeding sixty-five years."

AMENDMENT No. 3.

That Section 93 of said bill (No. 542 of the code) be amended by adding thereto, immediately following line thirty-nine thereof, the following words: "And when a debt due under or evidenced by a judgment is attached, a copy of the writ shall also be filed with the clerk of the court wherein the judgment was rendered, and thereupon the

Clerk of the Superior Court, if said judgment was rendered therein, shall enter in his register the filing of such copy, and write upon the face of such judgment where recorded in his office the word 'attached.' When the judgment was rendered in a Justice's Court a copy of the writ shall be filed with the justice of said court, who shall thereupon enter the fact of such filing in his docket."

AMENDMENT No. 4.

That Section 136 of the bill (No. 690 of the code) be amended by striking from line sixty-six, "twenty-five," and inserting "seventy-five."

AMENDMENT No. 5.

Insert after "libraries," in line thirty-one, the words "including one typewriter and one safe."

AMENDMENT No. 6.

That Section 228 of the bill (No. 1021 of the code) be amended by striking therefrom lines thirty-four to thirty-eight, both inclusive.

AMENDMENT No. 7.

That Section 235 of the bill (No. 1034 of the code) be amended by striking from line six "ten," and inserting "thirty."

AMENDMENT No. 9.

That Section 32 of said bill (No. 274 of the code) be amended by striking out lines nine to thirteen and a half, both inclusive, and inserting in place thereof the following: "For transcription, for one copy, twenty cents per hundred words; for two copies made at one time, fifteen cents each per hundred words; for three copies made at one time, eleven cents each per hundred words; for four copies made at one time, nine cents each per hundred words; and for five or more copies made at one time, eight cents each per hundred words."

AMENDMENT No. 10.

That Section 304 of the bill (No. 1327 of the code) be amended by striking from line four thereof the words "without the filing of any contest."

AMENDMENT No. 11.

That Section 426 of the bill (No. 1702 of the code) be amended by inserting after the word "trust," in line twenty-two, the words "filed in the matter of the estate."

AMENDMENT No. 12.

That Section 523 of the bill be amended by adding thereto the words: "*Provided*, that with relation to the laws passed at the present session (the thirty-fourth) of the Legislature, if the provisions of such laws contravene or are inconsistent with the provisions of this Act, the provisions of such laws must prevail; *and provided further*, that with relation to the laws passed at the present session (the thirty-fourth) of the Legislature this Act must be construed as though it had been passed on the first day of the present session (the thirty-fourth) of the Legislature."

AMENDMENT No. 13.

Amend Section 449 of the bill (No. 1793 of the code) by striking out of line nine the word "of" next after the word "person," and inserting in place thereof the word "or."

AMENDMENT No. 14.

Amend Section 360 of the bill (No. 1490 of the code) by adding after the word "administration," in line four, "the clerk must issue and."

Also: In same section, strike out line twenty-eight, and insert in place thereof "clerk of the Superior Court of the County of ———."

AMENDMENT No. 15.

Amend Section 315 of the bill (No. 1367 of the code) by striking out of lines five, six, and seven of the printed bill the words "or of a person who would be entitled if a resident of the State."

AMENDMENT No. 16.

Amend Section 320 of the bill (No. 1383 of the code) by striking out of lines seven and eight of the printed bill the words "whether the person so requesting is a resident or non-resident of the State."

The roll was called, and Assembly amendments to Committee Substitute for Senate Bill No. 138 concurred in by the following vote:

AYES—Senators Belshaw, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Plunkett, Rowell,

Selvaqe, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch and Wolfe—26.

NOES—Senators Lardner and Taylor—2.

The question being, "Shall the Senate refuse to concur in the following Assembly amendment to Committee Substitute for Senate Bill No. 138?"

AMENDMENT No. 8.

That there be inserted after Section 277, and immediately preceding Section 278 of the bill, a new section numbered 277a, to read:

"SEC. 277a. A new section is hereby added to said code to be numbered Section 1222, to read:

"Section 1222. If the contempt is committed in the immediate view and presence of the court, or judge at chambers, the judgment and orders of the court or judge with respect thereto are final and conclusive. In all other cases, a judgment by which any punishment is imposed for contempt may be reviewed on appeal by the Supreme Court. Such appeal must be taken within five days from the entry of the judgment, and the record therein shall consist of the notice of appeal, the judgment appealed from, and a bill of exceptions prepared and settled as provided in chapter five of title seven of part two of the Penal Code. The execution of the judgment is not stayed by the appeal, unless upon the filing of a certificate of probable cause, as provided in section twelve hundred and forty-three of the Penal Code, and the filing of an undertaking as provided in sections nine hundred and forty-one and nine hundred and forty-two of this code. If the contempt consists in the omission to obey an order of the court requiring the appellant to perform an act which is yet in his power to perform, the execution of the judgment is not stayed by the appeal unless the appellant also files an undertaking as provided in sections nine hundred and forty-three, nine hundred and forty-four, and nine hundred and forty-five of this code. If the contempt consists in disobedience to an order of the court prohibiting the performance of an act by the appellant, the execution of the judgment is not stayed by the appeal, unless the appellant also files an undertaking, in an amount to be fixed by the court by which the order was made, to the effect that, pending the appeal, he will refrain from doing such act, and will obey the orders of the appellate court with respect thereto. The provisions of sections nine hundred and forty-seven and nine hundred and forty-eight of this code apply to such undertakings. The provisions of title nine of part two of the Penal Code, so far as the same are applicable, govern the proceedings upon such appeal, subject to the provisions of this section."

The roll was called, and the Senate refused to concur in Assembly Amendment No. 8 to Committee Substitute for Senate Bill No. 138 by the following vote:

AYES—Senators Byrnes, Cutter, Devlin, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Muenter, Nutt, Oneal, Rowell, Selvaqe, Simpson, Sims, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—21.

NOES—None.

Whereupon the Secretary was directed to request the Assembly to recede from its amendment.

Assembly Bill No. 683 read first time, and referred to Committee on Code Revision.

Assembly Bill No. 49 read first time, and referred to Committee on County Government.

Assembly Bill No. 86 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 382 read first time, and referred to Committee on Finance.

Assembly Bill No. 111 read first time, and referred to Committee on Judiciary.

Assembly Joint Resolution No. 15 referred to Committee on Federal Relations.

Assembly Bill No. 421 read first time, and referred to Committee on Finance.

Assembly Bill No. 423 read first time, and referred to Committee on Finance.

Assembly Bill No. 41 read first time, and referred to Committee on Finance.

Assembly Bill No. 690 read first time, and referred to Committee on Finance.

Senate Concurrent Resolutions Nos. 13 and 15 ordered to enrollment.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Assembly Bill No. 90—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—having arrived, on motion of Senator Davis the same was postponed until Monday, March 4, 1901, at three o'clock and thirty minutes p. m., and was therefore made special order for that date and hour.

THIRD READING OF BILLS.

Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same, and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Read third time on a previous day, when Senator Selvage moved to refer to Senator Smith, as a special committee of one, to amend as follows:

Insert at the end of line twenty-two, page four, of the printed bill, the following: "*Provided*, said board should without examination indorse as satisfactory diplomas from any reputable dental college, when satisfied of the character of such institution, upon the holder furnishing evidence satisfactory to the board of his or her right to the same, and shall issue certificates to that effect within ten days thereafter. All certificates issued by said board shall be signed by said board, and shall entitle the holder to practice dentistry in the State of California."

Motion was pending.

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Taylor, Selvage, and Davis.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Byrnes, Curtin, Davis, Goad, Luchsinger, Plunkett, Selvage, Smith of Kern, Tyrrell of San Francisco, and Wolfe—11.

NOES—Senators Bettman, Burnett, Corlett, Currier, Devlin, Laird, Lardner, Leavitt, Lukens, Maggard, Nutt, Oneal, Rowell, Shortridge, Simpson, Sims, Taylor, and Tyrrell of Nevada—18.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 319 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Currier, Davis, Devlin, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nutt, Oneal, Rowell, Shortridge, Simpson, Sims, Taylor, Tyrrell of Nevada, and Welch—22.

NOES—Senators Caldwell, Curtin, Goad, Selvage, Smith of Kern, Tyrrell of San Francisco, and Wolfe—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Tyrrell of Nevada asked for and was granted unanimous consent to withdraw Senate Bill No. 128—An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance.

Consent granted.

Bill withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Read third time on a previous day.

Senator Davis moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

Amend by adding a new section to read as follows:

"SEC. 3. No one shall be eligible to the office of Justice of a District Court of Appeal unless he shall have been admitted to practice before the Supreme Court of California."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people—with instructions to amend, respectfully reports the same back, amended as per instructions.

CALDWELL, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 372—An Act appropriating money for the payment of claims against the State arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 372 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Davis, Hoey, Laird, Lardner, Lukens, Oneal, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, and Tyrrell of San Francisco—21.

NOES—Senators Caldwell, Cutter, Devlin, Leavitt, Maggard, Nutt, and Rowell—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82—An Act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals) becoming a public charge upon the counties, or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons.

Passed on file.

Senate Bill No. 458—An Act for the protection of inclosed and cultivated lands in the State of California, and to prevent persons entering thereon with firearms or dogs for the purpose of hunting, pursuing, shooting, or killing game, and to repeal all Acts in conflict therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 refused passage by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Curtin, Greenwell, Muentner, Nutt, Oneal, and Selvage—9.

NOES—Senators Bettman, Burnett, Caldwell, Corlett, Davis, Hoey, Laird, Leavitt, Luchsinger, Maggard, Plunkett, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, and Welch—17.

RECESS.

At the hour of four o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That the Committee on Enrolled and Engrossed Bills be requested to return to the Senate, out of order, Senate Bills Nos. 142 and 447, for consideration, as special order set for this evening.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS:

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Also: That they have examined and found the following bills correctly engrossed:

Senate Bill No. 421—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation and the consumers of such water.

Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure, and divorce from the bonds of marriage.

Senate Bill No. 272—An Act appropriating \$5,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital, at Patton, California.

Senate Bill No. 274—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Committee Substitute for Senate Bill No. 333—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of William Cronan for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society.

Senate Bill No. 470—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof.

Senate Bill No. 415—An Act making an appropriation of money for the reconstruction and repair of the sewer pipes and connections and the plumbing and connections of the Napa State Hospital, at Napa.

Senate Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, and to re-enact Section 3859 of said code, to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3790, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, and to repeal Section 3640 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Senate Bill No. 563—An Act to amend Section 2712 of the Political Code, relating to

the construction, maintenance, and repair of bridges and tunnels, or the purchase of toll roads.

Also: Have examined the following Senate bills:

Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawnbroker, and others, and specifying the penalty therefor.

Senate Bill No. 144—An Act to amend the Political Code by adding a new article to Chapter 11 of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive.

Senate Bill No. 320—An Act to provide in whose name the title shall be taken to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such Commissioner," approved March 24, 1893, and the amendments thereto.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 28th day of February, 1901, at two o'clock P. M.

WELCH, Acting Chairman.

Senate Bills Nos. 142 and 447 ordered on file for passage.

Senate Bills Nos. 421, 179, 272, 274, 333, 471, 50, 470, 415, 331, and 563 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein; and Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—having arrived, the same was taken up.

Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senator Lardner—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 447 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—Senators Laird and Lardner—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 421—An Act making an appropriation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating-room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Also: Assembly Bill No. 423—An Act making an appropriation of \$4,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

S. C. SMITH, Chairman.

Assembly Bills Nos. 421 and 423 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 11—Relating to amendment of city and county charters—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Constitutional Amendment No. 9—Relating to the judiciary, and establishing Courts of Appeal—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Senate Constitutional Amendment No. 10—Relating to the judiciary, and establishing Courts of Appeal—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same.

Also: Assembly Bill No. 250—An Act to provide for the election of Justices of District Courts of Appeal, etc.—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to Committee on Judiciary.

CALDWELL, Chairman.

Assembly Constitutional Amendments Nos. 11 and 9 ordered on file.

Assembly Bill No. 250 referred to Committee on Judiciary.

Senate Constitutional Amendment No. 10 ordered on file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Assembly Bill No. 683 (Committee Substitute for Assembly Bill No. 119)—An Act to revise the Civil Code of the State of California, by amending certain sections, repealing others, and adding certain new sections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

SELVAGE, Chairman.

Assembly Bill No. 683 (Committee Substitute for Assembly Bill No. 119) ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read, and ordered printed in the Journal:

ON THE PRESTON SCHOOL OF INDUSTRY.

To the Senate of California:

Your special committee of three from the Committee on Finance and three from the Committee on Reformatories, have visited the Preston School of Industry, as directed by resolution of the Senate, and now beg to report as follows:

This institution owns about 600 acres of land, most of which is of very poor quality, being too rough and stony to farm, and the soil being decidedly unproductive.

There are three large brick buildings. The main building would easily accommodate all of the boys and the necessary attendants. Two fine two-story brick "cottages" have been built with a view to segregating the larger boys from the smaller ones. One of these, costing about \$22,500, besides much labor and material furnished by the school, is totally unused, there being no demand for it at present.

The buildings from top to bottom are clean and tidy, and the boys are properly clothed and fed. The head cook is a young man, who, as a lad, was committed to the school for a minor offense. He is now trustworthy and reliable, earning a salary, and enjoying the respect of all about the school. Other members of the school are learning other trades, and give promise of making useful members of society.

The condition of the grounds, roads, and walks about the buildings is not, in the judgment of your committee, entitled to the highest commendation. But little in the way of lawns, flowers, and ornamental shrubbery—nature's most potent refining influences—is noticeable. It is true, as noted above, that the soil is very poorly adapted to the growth of tender plants, but it would seem that with over one hundred healthy boys and one third as many employes, a better showing could have been made in a half dozen years.

The farm is making a fairly good showing, considering the nature of the land. But we believe it would be more profitable to the State and to the boys also if more attention were given to some one or two departments of farming and less to general crops. We see no reason why a first-class dairy school should not be maintained there, where every step in butter and cheese making could be taught thoroughly. More of the land should be seeded to alfalfa and less to grain. A silo should be erected and scientific stock feeding should be thoroughly taught in connection with this dairy. This is not being attempted at present, judging by the last report of the superintendent. From this report we learn that 250 acres were farmed to grain, and thirty acres to alfalfa, the result being 300 tons of hay and some pasturage. The pay-roll for January shows the following items:

Farm superintendent	\$75 00
Stockman	60 00
Gardener	50 00
Assistant farmer	40 00

And board in each case. There is no profit to the State in raising plain barley hay with labor at such prices. Nor is this line of farm work the kind which should be taught the boys to best equip them for a contest with the world. The man who merely knows how to plant and harvest grain hay, receives about one dollar a day, and lives in a "bunk-house." If he understands extensive farming, the silo and other scientific methods of feeding, and knows how to make butter and cheese, he is in good demand at \$100 a month. The last biennial report of the school shows seventeen boys employed in the "agricultural" department, which seems to include the dairy, as no mention is made of that department separately.

At the time of your committee's visit to the school there were one hundred and ten boys in attendance, and thirty-four men and women on the pay-roll. The last biennial report shows the following expenditures:

From Salary Fund	\$49,518 19
From Support Fund	58,136 02

But the report of the commissary shows the following issues to different departments:

To Superintendent's residence	\$1,311 90
To officers' mess	11,801 05
	\$13,112 95
To boys' mess	19,508 69

Adding the salaries to what the employes received from the commissary, and that department cost \$62,631.14.

This includes the schoolroom work, which is conducted by two teachers, one receiving \$70 and one \$40 per month and board.

A considerable sum has been spent in bringing water to the school, and a fine power plant is the result. This affords electricity for lighting and all the power needed to run machinery. Mining operations on the headwaters of the stream make the water unfit for domestic use. It is, however, suitable for power and irrigation purposes, and a spring on the premises affords sufficient water for the building. Should the number of boys attending the school increase to approximately the capacity of the buildings, it would become necessary to augment the domestic water supply. This could be done by putting in a settling reservoir, and a filter to clarify the water from the creek. But your committee does not think it necessary to go to that expense at present. The attendance at the school has been on the decrease of late, and may continue to do so. At any rate, it is hardly probable that the attendance will increase before another session of the Legislature beyond the present water supply.

In conclusion, your committee desires to say that it believes the expense of this institution is out of proportion to the results accomplished. The efforts at trade teaching are scattered over too many subjects. If they were concentrated along fewer

lines, fewer people would need to be employed. We give below the pay for the month of January, 1901:

Name.	Occupation.	Rate.
C. B. Riddick	Superintendent	\$208 33
Mrs. C. B. Riddick	Chief matron	30 00
B. T. K. Preston	Secretary	100 00
Henry Harris	Military instructor and commissary	75 00
Ezra Casselman	Superintendent farm	75 00
Lewis Lamb	Carpenter	75 00
Arthur Lahiff	Electrician	75 00
H. L. Waste	Captain Co. B and principal of schools	70 00
A. J. Wood	Captain Co. A	65 00
W. L. Tull	Blacksmith	65 00
G. C. Winterberg	Tailor	60 00
Charles Ashton	Shoemaker	60 00
George Dunlap	Stockman	60 00
C. H. Schaffner	Bandmaster and nurse	75 00
Jos. Sibole	Ditchtender and fuel	55 00
Jasper Johnson	Gardener	50 00
H. P. Cox	Night watchman	50 00
Geo. F. Mack, Jr.	Primary teacher	45 00
H. J. Morgan	Assistant farmer	40 00
Wm. Sulberg	Captain Co. C. and laundryman	50 00
J. S. Phillips	Watchman	40 00
C. B. Gregory	Night watchman	40 00
Jos. Sanborn	Cook boys' mess	40 00
Frank Dunlap	Helper at power house	20 00
J. S. Bartlett	Helper	25 00
Mrs. L. Morgan	Cook officers' mess	40 00
Miss Lee Ohea	Stenographer	40 00
Mrs. J. S. Phillips	Librarian and seamstress	30 00
Miss Mattie Hill	Superintendent boys' dining-room	30 00
Miss Ida Hill	Superintendent halls and offices	30 00
Mrs. A. S. Power	Superintendent dormitories	30 00
Mrs. R. Johnson	Matron west cottage	30 00
Mrs. E. Casselman	Superintendent officers' dining-room	30 00
Ministers		20 00

We desire to express our thanks to the officers and attendants for many courtesies shown us, and for the abundant information freely given in all departments of the school.

Respectfully submitted.

JAMES C. SIMS.
JNO. H. NELSON.
S. C. SMITH.

THIRD READING OF BILL.

Senator Muentner asked for and was granted unanimous consent to take up Senate Bill No. 82 for immediate consideration.

Senate Bill No. 82—An Act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals) becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 82 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—Senators Davis, and Smith of Kern—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 129—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL ON FILE.

Senator Tyrrell of Nevada asked for unanimous consent to withdraw Senate Bill No. 130—An Act to change and permanently locate the boundary line between the counties of Plumas and Tehama, and substitute Assembly Bill No. 435 therefor on file.

Consent granted.

Senate Bill No. 130 withdrawn from file, and Assembly Bill No. 435 substituted therefor on file.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 131—An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 132—An Act to change and permanently locate the boundary line between the counties of Yuba and Plumas.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Tyrrell of Nevada asked for unanimous consent to withdraw Senate Bill No. 133—An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen.

Consent granted.

Bill withdrawn, and ordered stricken from the file.

Senate Bill No. 481—An Act to amend Sections 189 and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 378—An Act fixing and defining a miner's inch of water.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 77—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 477—An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 288—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceedings in pursuance whereof real estate has been sold to the State for delinquent taxes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 234—An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 317—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commission for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 119—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "been," in line twenty-two, Section 1, second page, printed bill, the word "previously."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding at the end of line thirty-five, Section 1, second page, printed bill, the words "or lands."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 232—An Act to amend Section 850 of the Code of Civil Procedure.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "as issue," in line seven, Section 1, first page printed bill, and inserting in lieu thereof the words "the issue is one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 469—An Act to amend Section 110 of the Code of Civil Procedure of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

During second reading of bill, the following substitute was submitted by the committee:

AN ACT

To amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen hundred and three of the Political Code is hereby amended to read as follows:

1503. (1) The Board of Trustees of each State normal school, upon the recommendation of the faculty, may issue to those pupils who worthily complete the full course of study and training prescribed, diplomas of graduation, either from the normal department or the kindergarten department, or both.

(2) Said diploma from the normal department shall entitle the holder thereof to a grammar school certificate from any county, or city and county, board of education in the State. One from the kindergarten department shall entitle the holder to a certificate to teach in any kindergarten class of any primary school in the State.

(3) Whenever any county, or city and county, board of education shall present to the State Board of Education a recommendation showing that the holder of a normal school diploma from the normal department of any State normal school of the State of California, or of a diploma from any other normal school that the State Board of Education shall declare to be equivalent to a diploma from the normal department of a State normal school of this State, has had a successful experience of two years in the public schools of this State, subsequent to the granting of such diploma, the State Board of Education shall grant to the holder thereof a document signed by the president and secretary of the State board, showing such fact. The said diploma, accompanied by said document of the State board attached thereto, shall become a permanent certificate of qualification to teach in any primary or grammar school in the State, valid until such time as the said diploma may be revoked, as provided in section fourteen hundred and eighty-nine of this code, or until such time as the document issued by the State board, as aforesaid, may be revoked or suspended as provided in subdivision five of section fifteen hundred and twenty-one of this code.

(4) Upon presentation of the diploma and document referred to in subdivision three of this section to any county, or city and county, superintendent of schools, said superintendent shall record the name of the holder thereof in a book provided for that purpose in his office, and the holder thereof shall henceforth be absolved from the requirement of subdivision one of section sixteen hundred and ninety-six of this code.

(5) Said diploma of graduation from any State normal school in this State, when accompanied by a document granted by the faculty of the State University on or before the thirtieth day of June, nineteen hundred and three, showing that the holder of such diploma has successfully completed the course of instruction in said university prescribed for students who are graduates of a normal school of this State, shall entitle such holder to a high school certificate authorizing the holder to teach in any grammar and primary school, and in any high school in this State.

SEC. 2. Section fifteen hundred and twenty-one of said code is hereby amended to read as follows:

1521. The powers and duties of the State Board of Education are as follows:

(1) To adopt rules and regulations, not inconsistent with the laws of this State, for its

own government, and for the government of the public schools and district school libraries.

(2) (a) To prescribe by general rule the credentials upon which persons may be granted certificates to teach in the high schools of this State. No credentials shall be prescribed or allowed unless the same, in the judgment of said board, are the equivalent of a diploma of graduation from the University of California, and are satisfactory evidence that the holder thereof has taken an amount of pedagogy equivalent to the minimum amount of pedagogy prescribed by the State Board of Education of this State, and include a recommendation for a high school certificate from the faculty of the institution in which the pedagogical work shall have been taken.

(b) The said board shall also consider the cases of individual applicants who have taught successfully for a period of not less than twenty school months and who are not possessed of the credentials prescribed by the board under the provisions of this section. The said board, in its discretion, may issue to such applicants special credentials upon which they may be granted certificates to teach in the high schools of the State. In such special cases, the board may take cognizance of any adequate evidence of preparation which the applicants may present. The standard of qualification in such special cases shall not be lower than that represented by the other credentials named by the board under the provisions of this section.

(3) To grant life diplomas of four grades, valid throughout the State, as follows:

(a) High school: Authorizing the holder to teach in any primary, grammar, or high school.

(b) Grammar school: Authorizing the holder to teach in any primary, or grammar school.

(c) Kindergarten-primary: Authorizing the holder to teach in the kindergarten class of any primary school.

(d) Special: Authorizing the holder to teach in any school such special branches and in such grades as are named in such diploma.

(4) Except as provided in sections fifteen hundred and three and seventeen hundred and seventy five of this code, life diplomas may be issued only to such persons as have held for one year, and still hold a valid county, or city and county, certificate, corresponding in grade to the grade of diploma applied for, and who shall furnish satisfactory evidence of having had a successful experience in teaching of at least forty-two months. Not less than twenty-one months of said experience shall have been in the public schools of California. Every application must be accompanied to the State Board of Education by a certified copy of a resolution adopted by at least a three-fourths vote of all the members composing a county, or city and county, board of education, recommending that the diploma be granted, and also by an affidavit of the applicant, specifically setting forth the places in which, and the dates between which, said applicant has taught. The application must also be accompanied by a fee of two dollars, for the purpose of defraying the expense of issuing the diploma.

(5) To revoke or suspend for immoral or unprofessional conduct, or for evident unfitness for teaching, life diplomas, educational diplomas, documents issued under the provisions of sections fifteen hundred and three and seventeen hundred and seventy-five of this code, or credentials issued in accordance with subdivisions two of this section; and to adopt such rules for said revocation as they may deem expedient or necessary.

(6) To have done by the State Printer, or other officer having the management of the State printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the State Board of Examiners.

(7) To adopt and use, in authentication of its acts, an official seal.

(8) To keep a record of its proceedings.

(9) To designate some educational monthly journal as the official organ of the department of public instruction. The publishers of such journal shall, before the tenth day of each month, mail one copy of such journal to the clerk of every school district in the State and to the secretary of every board of education, and shall, on or before the tenth day of each month, file an affidavit with the Superintendent of Public Instruction, showing that such copies have been so mailed for that month. Each clerk of a school district and each clerk of a board of education receiving a copy of such journal so mailed to him shall place such copy in the school library of his district, before the end of the month in which such copy shall be so received. The County Superintendent of Schools of each county, or city and county, shall draw his warrant semi-annually in favor of the publishers of such school journal for an amount equal to one half of the regular subscription price of such journal, not exceeding one dollar and fifty cents in any school year, for each and every school district in his county, or city and county, and charge the same to the library fund of the district; *provided*, that such warrant shall not be drawn until such County Superintendent of Schools shall have received from the Superintendent of Public Instruction a certificate to the effect that the affidavits aforesaid have been duly filed in his office, showing the mailing of copies of such journal as above required, for the half year to be covered by such warrant.

SEC. 3. Section sixteen hundred and sixty-three of said code is hereby amended to read as follows:

1663. (1) The public schools of California, other than those supported exclusively by the State, shall be classed as high schools, technical schools, and grammar and primary schools (including kindergarten classes), and no teacher shall be employed to teach in any school if the certificate held by the teacher is of a grade below that of the school or class to be taught; *provided*, that the holders of existing primary certificates or of the

same when hereafter renewed shall be eligible to teach in any of the classes of the schools of the county, or city and county, which the county, or city and county, superintendent shall have designated as of the primary grade, or in any school which said superintendent shall have designated as a primary school; and *provided further*, that nothing herein contained shall be construed as prohibiting the employment of any person holding a valid special certificate for kindergarten work heretofore granted by any county, or city and county, board of education in this state, as a teacher in any kindergarten class of a primary school in the county, or city and county, in which said valid special certificate for kindergarten work shall have been granted. The county, or city and county, board of education must, except in incorporated cities having boards of education, on or before the first day of July of each year, prescribe the course of study in each grade of the grammar and primary schools for the ensuing school year.

(2) Except in incorporated cities having boards of education the county, or city and county, board of education shall provide for a final examination and conferring of diplomas of graduation on those pupils who have satisfactorily completed the course of study provided for the grammar and primary schools of the county.

(3) The county, or city and county, board of education may amend and change, subject to section sixteen hundred and sixty-five of this code, the course of study for the grammar and primary schools, whenever necessary.

SEC. 4. Section seventeen hundred and seventy of said code is hereby amended to read as follows:

1770. (1) Each county board of education shall meet annually at such time as they may determine. Special meetings may be called by the superintendent whenever, in his judgment, the exigencies of the schools may require them to be held. Upon the request of any three members, in writing, the superintendent shall call a special meeting. Notice of all annual meetings shall be given by the secretary at least ten days prior to the time of meeting. No business shall be transacted at a special meeting, except as provided in subdivision two of this section, other than such as may be specified in the call of the secretary.

(2) At the annual meeting only, the board shall examine applicants for certificates to teach in the public schools. All examination papers for teachers' certificates shall be kept on file in the office of the Superintendent of Schools for at least one year and shall be open for the inspection of the applicants or their authorized agents. Certificates upon credentials may be granted, and unexpired certificates may be renewed, at any meeting of the board.

(3) The Board of Supervisors shall allow to each member of the county board of education a compensation of five dollars a day for his services, and the same rate of mileage as is allowed to the members of the board of supervisors of the county. The secretary shall be allowed the sum of five dollars per day for the actual time that the board may be in session; said compensation of the members of the board, and of the superintendent, shall be payable out of the same fund and in the same manner as the salary of the Superintendent of Schools is paid.

(4) All expenses for printing required by the county board of education and all incidental expenses incurred for stationery or other purposes in the performance of their duties, shall be audited and paid as other claims against the General Fund of the county are paid.

SEC. 5. Section seventeen hundred and seventy-one of said code is hereby amended to read as follows:

1771. County boards of education have power:

(1) To adopt rules and regulations, not inconsistent with the laws of this State, for their own government.

(2) To prescribe and enforce rules for the examination of teachers, to examine applicants for grammar school certificates and special certificates, and to establish a standard of proficiency which will entitle the person examined to a certificate.

(3) To grant, in accordance with sections seventeen hundred and seventy two and seventeen hundred and seventy-five of this code, the following certificates, renewable at the option of the board:

(a) High school certificates, authorizing the holders to teach in any high school, grammar or primary school in the county

(b) Grammar school certificates, authorizing the holders to teach in any grammar or primary school in the county.

(c) Kindergarten-primary certificates authorizing the holders to teach in the kindergarten class of any primary school in the county.

(d) Special certificates, authorizing the holders to teach in the schools of the county such special branch or branches of learning and in such grades as are named in such certificates.

(4) To grant, in accordance with subdivision four of section seventeen hundred and seventy-five of this code, permanent certificates of the grade and kind designated therein. Every certificate that is not a permanent certificate shall be valid for six years; *provided*, that when any certificate shall be granted on a recommendation that has been given for a limited period only, such certificate shall not be valid for a longer period than that specified in the recommendation. All certificates must be issued upon the blank forms prepared by the Superintendent of Public Instruction, and must have the impress of the seal of the board.

(5) To adopt a list of books and apparatus for district school libraries, and, except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of text-books.

(6) To revoke or suspend for immoral or unprofessional conduct, or evident unfitness for teaching, the certificates granted by them.

(7) To keep a record of their proceedings.

(8) To issue diplomas of graduation from any of the public schools of the county, except in cities having boards of education, which diplomas shall be designed by the Superintendent of Public Instruction, and be distributed as other blanks from his office.

(9) To adopt and use, in authentication of their acts, an official seal, and to have such printing done as may be necessary in the discharge of their duties.

SEC. 6. Section seventeen hundred and seventy-two of said code is hereby amended to read as follows:

1772. County boards of education may, on examination, grant certificates as follows:

(1) Grammar school certificates: To those who have passed a satisfactory examination in the following studies: Reading, English grammar and advanced composition, English and American literature, orthography and defining, penmanship, drawing, vocal music, bookkeeping, arithmetic, algebra to quadratics, plane geometry, geography (physical, political, and industrial), elementary physics, physiology, history of the United States and civil government, history (ancient, medieval, and modern), school law, methods of teaching.

(2) Special certificates: To those who, by examination or any credentials, or by both, shall satisfy the board of their special fitness to teach one or more of the particular studies for which special fitness may be granted, and who shall satisfy the board of their proficiency in English grammar, orthography, defining, and methods of teaching. No special certificate shall be granted to teach, in any school, studies other than drawing, music, physical culture, and commercial, technical, or industrial work.

SEC. 7. Section seventeen hundred and seventy-five of said code is hereby amended to read as follows:

1775. (1) County boards of education may, without examination, grant certificates as follows:

(a) High school certificates: (1) To the holders of credentials approved by the State Board of Education in accordance with subdivision two of section fifteen hundred and twenty-one of this code; (2) To the holders of special credentials issued by said State board, in accordance with said subdivision; (3) To holders of high school certificates issued by any county, or city and county, board of education in this State; (4) To holders of normal school diplomas accompanied by documents from the faculty of the State University, provided for in subdivision five of section fifteen hundred and three of this code.

(b) Grammar school certificates: To the holders of the following credentials: (1) Life diplomas or certificates of any State; *provided*, the State Board of Education in this State shall have decided that said diplomas or certificates represent experience and scholarship equivalent to the requirements for the elementary life diploma in California; (2) California State normal school diplomas, San Francisco city normal school diplomas, and other normal school diplomas; *provided*, that the State Board of Education of this State shall have recommended the normal school issuing said diploma as being of equal rank with the State normal schools of California; (3) Diplomas from the University of California, or from any other university that shall be declared by the State Board of Education to be of equal rank with the University of California, when the holders have completed the prescribed course in the pedagogical department of the State University, or a pedagogical course that said State board shall declare to be equivalent to such prescribed course, and have been recommended by the faculty of the university issuing such diploma; (4) Grammar school or grammar grade certificates of any county, or city and county, of California.

(c) Kindergarten-primary certificates: (1) To the holders of kindergarten-primary certificates of any county, or city and county, of California; (2) To the holders of diplomas of graduation from the kindergarten department of any State normal school of this State; (3) To the holders of credentials, showing that the applicant has had professional kindergarten training in an institution approved by the State Board of Education, and also general education equivalent to the requirements for graduation from the kindergarten department of a California State normal school.

(2) Grammar school certificates may be granted to the holders of primary grade certificates who shall pass satisfactory examinations in such branches as do not appear on their certificates, or in the record of the examination upon which the original certificate was granted.

(3) All certificates and diplomas now valid in California shall continue in force and effect for the full term for which they were granted. County boards of education may renew any certificate issued by them prior to the adoption of this law, and now in force, and may renew certificates granted by authority of this law. Renewed certificates shall be valid for a period equal to that for which they were originally granted.

(4) When the holder of any certificate or State diploma shall have taught successfully in the same county, or city and county, for five years, the board of education of such county, or city and county, may grant a permanent certificate of the kind and grade of the class in which said applicant has been teaching, valid in the county, or city and county, in which issued, during the life of the holder, or until revoked for any of the causes designated in subdivision four of section seventeen hundred and ninety-one of this code; *provided*, that such permanent certificate shall in no case be of a higher grade than the grade of the certificate or State diploma on which the teaching has been done; and for a permanent high-school certificate twenty months of said

teaching shall have consisted of regular high school work; and provided further, that a certificate when renewed the second time, or any time thereafter, shall become, by such renewal, a permanent certificate, if the holder of said certificate shall have complied with all of the conditions of this subdivision.

(5) Whenever any holder of a diploma from the State University, or from any other university that shall be declared by the State Board of Education to be of equal rank with the State University, shall present to said State board satisfactory evidence of having had two years' successful experience as a teacher, subsequent to graduation, accompanied by satisfactory evidence that such holder has completed the prescribed course in the pedagogical department of the University of California, or a pedagogical course equivalent thereto, the State Board of Education shall grant to the holder of said university diploma a document signed by the president and secretary of the State board, showing such fact, and said diploma, accompanied by said document of the State board attached thereto, shall become a permanent certificate of qualification to teach in any grammar, or primary, or high school in the State, valid until such time as the said document shall be revoked by said State Board of Education, for any of the causes shown in subdivision four of section seventeen hundred and ninety-one of this code.

SEC. 8. Section seventeen hundred and eighty-seven of said code is hereby amended to read as follows:

1787. In every city of the first, second, or third class having a board of education, and in every city and county, there may be a city, or city and county, board of examination.

SEC. 9. Section seventeen hundred and eighty-eight of said code is hereby amended to read as follows:

1788. Each city, or city and county, board of examination shall consist of the city, or city and county, superintendent of schools, and four other members, residents of such city, or city and county, all of whom shall be experienced teachers elected by the city, or city and county, board of education, unless otherwise provided by law, and holding office for four years.

SEC. 10. Section seventeen hundred and eighty-nine of said code is hereby amended to read as follows:

1789. The city, or city and county, superintendent of schools is chairman of the city, or city and county, board of examination.

SEC. 11. Section seventeen hundred and ninety of said code is hereby amended to read as follows:

1790. The city, or city and county, board of examination must meet and hold examinations for the granting of teachers' certificates annually, at such times as they may determine. They may also hold monthly meetings for the transaction of such other business as may come before them. Special meetings may be called by the city, or city and county, superintendent, when in his judgment the same are necessary; and on the recommendation, in writing, of any three members of the board, the city, or city and county, superintendent shall call a special meeting. No business shall be transacted at any special meeting except such as is indicated in the call therefor; and of all such meetings, due notice shall be given to each member of the board. The place of meeting shall be designated by the chairman. The meetings of the city, or city and county, board of examination shall be public, and a record of their proceedings shall be kept in the office of the city, or city and county, superintendent of schools.

SEC. 12. Section seventeen hundred and ninety-one of said code is hereby amended to read as follows:

1791. Each city, or city and county, board of examination has power:

First—To adopt rules and regulations, not inconsistent with the laws of this State, for its own government and for the examination of teachers.

Second—To examine applicants, and to prescribe a standard of proficiency which may entitle the person examined to receive: (a) A city, or city and county, grammar school certificate, valid for six years, authorizing the holder to teach any primary or grammar school or class in such city, or city and county; (b) A city, or city and county, special certificate, valid for six years, authorizing the holder to teach such special subjects in any school of the city, or city and county, and in such grades as are designated in such certificate. Applicants for special certificates by examination or any credentials, or by both, shall satisfy the board of their special fitness to teach one or more of the particular studies for which special certificates may be granted, and shall satisfy the board of their proficiency in English grammar, orthography, defining, and methods of teaching. No special certificates shall be granted to teach, in any school, studies other than drawing, music, physical culture, and commercial, technical, or industrial work.

The board of examiners shall report the result of the examination to the city, or city and county, board of education; and said board of education shall thereupon issue to the successful applicants the certificates to which they shall be entitled.

Third—For immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the city, or city and county, board of education the revocation of any certificates previously granted by said board of education in such city, or city and county.

SEC. 13. Section seventeen hundred and ninety-two of this code is hereby amended to read as follows:

1792. The city, or city and county boards of examination may also recommend the granting of city, or city and county, certificates, and the renewal thereof, in the manner provided for the granting and renewal of county certificates by county boards of education in section seventeen hundred and seventy-five of this code.

SEC. 14. Section seventeen hundred and ninety-three of this code is hereby amended to read as follows:

1793. (1) The holders of city, or city and county, certificates are eligible to teach in cities, or cities and counties, in which such certificates were granted, in schools or classes of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this code, duly ascertained and approved by the boards of education of such cities, or cities and counties.

(2) City superintendents of public schools, elected by city boards of education, shall be elected for a term of four years, and said city boards of education shall have full power to fix the salaries of all employes.

(3) The holders of special city, or city and county, certificates are eligible to teach the special branches mentioned in their certificates, in the grades of all the schools in the city, or city and county, in which such certificates were granted, corresponding to the grade of said special certificates.

SEC. 15. This Act shall take effect and be in force from and after the first day of July, nineteen hundred and one.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 385—An Act making an appropriation of \$15,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton.

Bill read second time, considered engrossed, and ordered on file for third reading.

SUSPENSION OF RULES.

Senator Devlin asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bill No. 631.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Devlin:

Resolved, That Senate Bill No. 631 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 631—An Act to amend Section 853 of the Political Code of this State, relating to absence of officers.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 631 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Muentert asked unanimous consent to withdraw Senate Bill No. 76—An Act making an appropriation of \$5,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a concrete sidewalk and suitable fencing along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital— and to substitute therefor Senate Bill No. 386 on file.

Consent granted.

Senate Bill No. 76 withdrawn and ordered stricken from the file and Senate Bill No. 386 substituted therefor on file.

SECOND READING OF SENATE BILLS.

Senate Bill No. 386—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to officers of a township.

During second reading of bill, the following amendment was submitted by the committee:

Amend in line eleven, first page, printed bill, by inserting, after the word "constable," the words "and in townships containing cities in which marshals are elected or appointed, there shall be but one constable."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 245—An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "ten," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all after the word "dollars," in line five, Section 2, first page, printed bill, and inserting in lieu thereof a period.

Amendment adopted.

By Senator Byrnes:

Amend by striking out of Section 4 the word "immediately" and inserting the following: "January one, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 384—An Act making an appropriation of \$8,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "purchase of three new boilers for," in lines four and five, Section 1, first page, printed bill, and inserting in lieu thereof the words "repair of the boilers of."

Amendment adopted.

AMENDMENT No. 2.

Amend first line of title to read "\$2,500," instead of "\$8,000," and line one of Section 1 to read "two thousand five hundred dollars" instead of "eight thousand dollars"; also, in Section 1, line four, substitute the word "repair" for the word "purchase."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 383—An Act making an appropriation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 402—An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom.

During second reading of bill, the following amendments were offered by Senator Belshaw:

Amend title by striking out the words "and a turning lathe."

Amendment adopted.

Also:

Amend by inserting after the word "dollars." in line three, Section 1, printed bill, the following: "or so much thereof as may be necessary."

Amendment adopted.

Also:

Amend by striking out of Section 1, line five, the words "and a turning lathe."

Amendment adopted.

Also:

Amend Section 3, lines two and three of printed bill, by striking out the words "and turning lathe."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 111—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of making certain improvements, alterations, and additions upon the grounds of said society.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 454—An Act making an appropriation to pay the reward offered by the Governor of the State of California and the claim

therefor, of W. A. Boyd and H. W. Randal for the arrest of Josef E. Blanthier, for murder.

During second reading of bill, the following amendment was offered by Senator Wolfe:

Amend by striking out of Section 3, line one, the word "immediately," and inserting the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATE JOINT RESOLUTION No. 9.

Relating to the improvement of Oakland Harbor.

Resolved by the Senate and Assembly, jointly, That our Senators and Representatives in Congress be requested to use their best endeavors to secure an adequate appropriation, by the Congress now in session, for the purpose of deepening and enlarging the Oakland Harbor; and be it further

Resolved, That the Secretary of the Senate of the State of California be directed to forward a copy of this resolution to our congressional delegation, by telegraph.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pace, Plunkett, Rowell, Selvaige, Shortridge, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Senate Bill No. 527—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Luchsinger asked unanimous consent to withdraw Senate Bill No. 511—An Act regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of same—and substitute therefor on file Senate Bill No. 461.

Consent granted.

Senate Bill No. 511 withdrawn and ordered stricken from the file and Senate Bill No. 461 substituted therefor on file.

Senate Bill No. 461—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage.

During second reading of bill, the following amendments were offered by Senator Luchsinger:

Amend by striking out of Section 2, line twelve, the word "or" between the words "and" and "to."

Amendment adopted.

Also:

Amend by striking out of Section 2, lines fourteen, fifteen, sixteen, seventeen, and eighteen, everything after the word "commissioners," in line fourteen, and inserting the

following: "and secretary shall jointly and severally be deemed guilty of a misdemeanor on proof of such refusal or neglect."

Amendment adopted.

Also:

Amend by striking out of Section 2, line one, the following: "Section 2." Also: Strike out of Section 3 the figure "3" and insert the figure "2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF SENATE BILLS—(RESUMED).

Senator Smith of Kern asked and was granted unanimous consent to take up Senate Bill No. 398 for immediate consideration.

Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California.

During second reading of bill, the following amendment was offered by Senator Smith of Kern:

Amend by striking out of Section 2 all after the word "effect" and inserting the following: "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

Senator Wolfe gave notice that he would not, in compliance with his notice given on a previous day, move to reconsider the vote whereby Senate Bill No. 479—An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor—was passed.

Thereupon Senator Davis moved that the vote whereby above bill was on a previous day passed be now reconsidered.

Senator Oneal moved that motion to reconsider be laid on the table.

Motion lost.

The question then being on the motion to reconsider.

The roll was called, and motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Davis, Goad, Lardner, Luchsinger, Lukens, Maggard, Rowell, and Taylor—12.

NOES—Senators Bettman, Byrnes, Corlett, Devlin, Flint, Greenwell, Hoey, Leavitt, Oneal, Selva, Shortridge, Sinipson, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—16.

Senate Bill No. 479 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco, under the Act of 1895.

Senate Bill No. 149—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Senate Bill No. 416—An Act appropriating money for the wiring of the Napa State Hospital Building for electric lights.

Senate Bill No. 321—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Senate Bill No. 392—An Act concerning, confirming, and ratifying leases and other contracts made by any officer or boards of officers of this State.

Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries, and making an appropriation therefor.

Senate Bill No. 58—An Act making an appropriation for the purchase and installment of improved machinery in the State Printing Office and Bindery and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Senate Bill No. 547—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Senate Bill No. 229—An Act to amend Sections 5 and 19 of an Act entitled "An Act to provide for the formation of protection districts in the various counties in this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the protection of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Senate Bill No. 568—An Act to amend Section 1197 of the Political Code, relating to elections.

Senate Bill No. 554—An Act to prohibit the paying of employes while he or they are in any public saloon, or bar-room, or restaurant.

WELCH, Acting Chairman.

Senate Bills Nos. 451, 149, 416, 321, 392, 432, 393, 555, 58, 547, 229, 568, and 554 ordered on file for third reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 320—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Also: Senate Bill No. 437—An Act to amend Section 3818 of the Political Code, relating to public lands and revenue and taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ONEAL, Chairman.

Assembly Bill No. 320 and Senate Bill No. 437 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 515—An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Also: Assembly Bill No. 316—An Act to amend an Act entitled "An Act to provide for incorporation, operation, and management of cooperative associations," approved March 27, 1895.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Assembly Bills Nos. 515 and 316 ordered on file for second reading.

ADJOURNMENT.

At ten o'clock and thirty-five minutes p. m., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 1, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Carrin, Davis, Flint, Goad, Laird, Lardner, Luchsinger, Muentner, Nutt, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, and Tyrrell of Nevada—22.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Thursday, February 28, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, February 25, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Nelson was granted leave of absence for the day, on motion of Senator Bettman.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 582—An Act making an appropriation for the propagation of steelhead trout in Humboldt County.

Also: Senate Bill No. 366—An Act to authorize suit against the State concerning real property, and regulating the procedure therein.

Also: Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as 258, defining and providing a penalty for the crime of slander.

Also: Senate Bill No. 231—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication, and the taking of affidavits to be used in procuring the order for publication of summons.

Also: Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Substitute for Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District.

Also: Senate Bill No. 436—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby.

Also: Adopted Assembly Concurrent Resolution No. 9—Relative to departure from the State of Hon. Cornelius W. Pendleton.

Also: Adopted the report of the conference committee on Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities—and in accordance therewith appointed Assemblymen Brown of San Mateo, Dunlap, and Sheridan as a committee of free conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 582, 366, 116, 231, 541, 540, Substitute for Senate Bill No. 167, and Senate Bill No. 436 ordered to enrollment.

Assembly Concurrent Resolution No. 9 ordered on file.

RESOLUTION.

The following resolution was offered by Senator Smith of Kern:

Resolved, That the sum of \$75 be and is hereby appropriated out of the Contingent Fund of the Senate to pay the expenses of the committee on visiting and examining the Preston School of Industry at Lone, under authority of resolution adopted by this body. The State Controller is hereby directed to draw his warrant in favor of Senator Fyrell of Nevada for said sum of \$75, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Senate Bill No. 635—An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III, of an Act of the Legislature of the State of California entitled an Act to establish a Political Code, approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II of Title VI of Part III of said code, and substitute the same in place of said repealed Chapter II in said code, relating to roads and highways," approved February 28, 1883, relating to the issuance and refunding of a bonded indebtedness of the county for the construction, maintenance, and repair of roads, and the levying of taxes to pay the interest and redemption thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 546—An Act to declare the Alturas and Lake View Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Also: Senate Bill No. 558—An Act making an appropriation of \$20,000 for the expense of maintaining, repairing, improving, and protecting the Lake Tahoe Wagon Road, together with its bridges and culverts, during the fifty-third and fifty-fourth fiscal years.

Also: Assembly Bill No. 249—An Act to provide for the location, construction, and maintenance of a State highway connecting the highway system of Santa Barbara County with the highway system of Kern County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation, and request that they be re-referred to Committee on Finance.

Also: Senate Bill No. 189—An Act to amend Section 2645 of the Political Code of the State of California, relating to highways—have had the same under consideration, and respectfully report the same back without recommendation.

LUCHSINGER, Chairman.

Senate Bills Nos. 635 and 189 ordered on file for second reading.

Senate Bills Nos. 546 and 558 and Assembly Bill No. 249 referred to Committee on Finance.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 504—An Act to amend Section 330 of the Penal Code—have had the same under con-

sideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Assembly Bill No. 504 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 503—An Act making an appropriation of \$750 to pay a deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest, recommended by Board of Examiners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 371—An Act making an appropriation of \$750 to pay a deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

S. C. SMITH, Chairman.

Assembly Bill No. 503 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Welch asked unanimous consent to withdraw Senate Bill No. 371.

Consent granted.

Bill withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the sum of \$144.80 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of members of committees on visiting and examining Mendocino State Hospital at Ukiah, under authority of resolution adopted by this body, and the State Controller is hereby directed to draw his warrant to the order of the Sergeant-at-Arms of the Senate for said sum, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Greenwell, Lardner, Leavitt, Luchsinger, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—21.

NOES—None.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 129—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Senate Bill No. 131—An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Senate Bill No. 132—An Act to change and permanently locate the boundary line between the counties of Yuba and Plumas.

Senate Bill No. 481—An Act to amend Sections 189 and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Senate Bill No. 378—An Act fixing and defining a miner's inch of water.

Senate Bill No. 77—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Senate Bill No. 477—An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson.

Senate Bill No. 288—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Senate Bill No. 482—An Act to add a new section to the Political Code to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceedings in pursuance whereof real estate has been sold to the State for delinquent taxes.

Senate Bill No. 234—An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts.

Senate Bill No. 317—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commission for the Revision and the Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Senate Bill No. 469—An Act to amend Section 110 of the Code of Civil Procedure of the State of California.

Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Senate Bill No. 385—An Act making an appropriation of \$15,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton.

Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Senate Bill No. 383—An Act making an appropriation of \$6,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Senate Bill No. 111—An Act to add a new section to the Penal Code, and to Title IX, Chapter 11, thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age.

Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of making certain improvements, alterations, and additions upon the grounds of said society.

Senate Bill No. 527—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Senate Bill No. 553—An Act to establish a State Reform School for females under the age of eighteen years, and to make an appropriation therefor.

Also (correctly reengrossed): Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

WELCH, Acting Chairman.

Senate Bills Nos. 129, 131, 132, 481, 378, 77, 478, 477, 288, 482, 234, 317, 469, 248, 385, 264, 383, 111, 542, 527, and 553 ordered on file for third reading.

Senate Bill No. 556 ordered on file for passage.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 49—An Act to permanently locate the boundary line between the counties of Shasta and Plumas—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 67—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—have had the same under consideration, and respectfully report the same back without recommendation.

LUKENS, Chairman.

Assembly Bills Nos. 49 and 67 ordered on file for second reading.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being consideration of Senate Constitutional Amendments Nos. 11, 15, and 16, having arrived, on motion of Senator Davis the same was postponed until Saturday, March 2, 1901, to immediately follow the regular order after reports of standing committees, and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS—THIRD READING OF BILLS.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 563—An Act to amend Section 2712 of the Political Code, relating to the construction, maintenance, and repairs of bridges and tunnels, or the purchase of toll-roads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 563 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal Rowell, Selvage, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 614—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all Acts amendatory thereof as are in conflict herewith," approved March 20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to agricultural associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 614 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Goad, Laird, Lardner, Leavitt, Lukens, Maggard, Nutt, Oneal, Selvage, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco, under the Act of 1895.

Read third time.

Senator Burnett moved to refer to Senator Selvage, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line two, after the words "Superior Court of" the word "the," and inserting the words "any county or."

Also: Amend by striking out of Section 1, line three, the words "San Francisco," and inserting the words "this State."

Also: Amend by striking out of Section 1, line six, the word "said," and inserting the words "such county or."

Also: Amend by striking out of Section 2, line one, the word "said," and inserting the words "such county or."

Also: Amend by inserting after the word "other," in Section 3, line three, the words "county or."

Also: Amend by striking out of Section 4, line one, the word "said," and inserting the words "each county or."

Also: Amend the title by striking out of line two thereof the word "the" after the words "Superior Court of," and inserting the words "any county or."

Also: Amend the title by striking out of line three thereof the words "San Francisco," and inserting the words "this State."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 451—An Act for the payment of the fees due trial jurors, who have served as such in the Superior Court of the City and County of San Francisco, under the Act of 1895—with instructions to amend, respectfully reports the same back, amended as per instructions.

SELVAGE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 149—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 149 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Selvage, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senator Smith of Kern—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 416—An Act appropriating money for the purchase of a plant for wiring the Napa State Hospital building for electric lights.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 416 passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Cutter, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Maggard, Nutt, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 552—An Act creating the office of Game Commissioner, and defining his duties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor.

Read third time.

Senator Caldwell moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by striking out of Section 29, line nine, the word "superintendent" and inserting the word "matron."

Also: Amend by striking out of Section 26, lines twenty-seven and twenty-eight, the word "superintendent" and inserting the word "matron."

Also: Amend by inserting in Section 13, line three, between the words "of" and "California," the words "the State of."

Also: Amend by striking out of Section 23, line three, the word "superintendent" and inserting the word "matron."

Also: Amend by striking out of Section 16, line eleven, the word "superintendent" and inserting the word "matron."

Also: In line nine, Section 13, strike out the word "superintendent" and insert the word "matron" in lieu thereof.

Also: In line twenty-two, Section 15, amend by striking out the word "superintendent" and inserting the word "matron" in lieu thereof.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 321—An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 321 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Pace, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 392—An Act concerning, confirming, and ratifying leases and other contracts made by any officer or board of officers of this State.

Passed on file.

MOTION TO SUSPEND THE RULES.

Senator Devlin moved that the rules be suspended for the purpose of substituting on file Senate Bill No. 50 for Senate Bill No. 432.

The question being on the motion to suspend the rules.

The roll was called, and motion lost by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Devlin, Lardner, Oneal, Simpson, Tyrrell of Nevada, and Wolfe—9.

NOES—Senators Corlett, Cutter, Davis, Flint, Greenwell, Laird, Leavitt, Lukens, Nutt, Pace, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, and Tyrrell of San Francisco—16.

Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

Read third time.

Senator Smith of Kern moved to refer to Senator Selvage, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, lines four and five, the words "or in leasing the same."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899—with instructions to amend, respectfully reports the same back, amended as per instructions.

SELVAGE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees, and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 512 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Pace, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 430—An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of clerks of said board.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 430 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Oneal, Plunkett, Selvage, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILL.

Senate Bill No. 609—An Act to define express companies, and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds of the upper waters of said river and its tributaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nutt, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 535—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing the compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 535 passed by the following vote.

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Pace, Plunkett, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 58—An Act making an appropriation for the purchase and installment of improved machinery in the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Oneal, Pace, Plunkett, Selvage, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462—An Act to amend Section 2349 of the Political Code of the State of California, relating to public way.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 462 passed by the following vote:

AYES—Senators Ashe, Byrnes, Caldwell, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Oneal, Pace, Rowell, Selvage, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 606—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 606 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muenter, Oneal, Pace, Rowell, Selvage, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Muenter asked unanimous consent to withdraw Senate Bill No. 419—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers and to the number and compensation of their deputies and to substitute therefor on file Senate Bill No. 383.

Consent granted.

Senate Bill No. 419 withdrawn and ordered stricken from the file, and Senate Bill No. 383 substituted therefor on file.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 383—An Act making an appropriation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 383 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Cutter, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Selvage, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 299—An Act to amend Section 290 of the Civil Code, relative to articles of incorporation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 299 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 547—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 547 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Davis, Devlin, Goad, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Rowell, Shortridge, Simpson, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made.

During second reading of bill, the following amendments were submitted:

By the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, in line twenty-eight, the word "market," and inserting the words "full cash."

Amendment adopted.

AMENDMENT No. 2.

Amend Section 1, in line twenty-eight, by inserting after the word "entire" the word "issued."

Amendment adopted.

By Senator Oneal:

Amend Section 1, line twenty-nine, by inserting before the word "value" the words "full cash."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.
Senate Bill No. 15—An Act to provide for the erection of a modern

hospital building for the Veterans' Home located at Yountville, Napa County, State of California, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "fifty," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the word "twenty-five."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "immediately," in line one, Section 4, first page, printed bill, and inserting in lieu thereof the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 637—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Tyrrell of San Francisco, Welch and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 229—An Act to amend Sections 5 and 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties in this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Tyrrell of San Francisco, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 513—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "parole," in line thirty-five, Section 1, second page, printed bill, and inserting in lieu thereof the word "parol."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 571—An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California, located on the water-front at San Francisco, California.

Passed on file.

SPECIAL ORDER SET.

On motion of Senator Cutter, consideration of Senate Bill No. 601 was made special order for eight o'clock P. M. of this day.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 568—An Act to amend Section 1197 of the Political Code, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 568 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Hoey, Laird, Lardner, Luchsinger, Maggard, Nutt, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—24

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 110—An Act to enforce the rights of children, and providing penalties for violation of the Act.

Read third time.

Senator Taylor moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

Amend by striking out of Section 5, line fifteen, the word "twice," and inserting "four times" in lieu thereof.

Also: Strike out of Section 5, line eighteen, the word "two," and insert in lieu thereof the word "four."

Also: Strike out of Section 5, line eighteen, the word "three," and insert in lieu thereof the word "six."

Also: Strike out of Section 6, lines fifty-five and fifty-six, the words "the State of California," and insert in lieu thereof the words "the Board of Education of the city, or city and county, in which said court is situated."

Also: Insert after word "fact," Section 6, line sixty-six, the words "in an action brought therefor."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 110—An Act to enforce the educational rights of children, and providing penalties for violation of the Act—with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 554—An Act to prohibit the paying of employes while he or they are in any saloon, or bar-room, or restaurant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Plunkett, Rowell, Selva, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—29

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and counties, and providing for a clerk and stenographer for County Superintendents for cities and counties, and for counties of the first class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 164 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Pace, Plunkett, Selva, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—Senators Belshaw, Curtin, Flint, and Rowell—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Leavitt:

Resolved, That on March 2, 1901, the Secretary shall prepare a special file of Senate bills. Each Senator shall be entitled to place a bill thereon upon his filing with the Secretary the number of the bill and its number on file, and said file shall be considered each day immediately after the present Special File of Senate bills, and until twelve o'clock and thirty minutes P. M.

Resolution read and adopted.

SPECIAL SENATE FILE.

In accordance with the above resolution, adopted on this day, relative to a Special Urgency File, the Secretary was directed to receive the numbers of bills, with their position on file, which each Senator desired to be placed on the Special File, the same to appear in the Daily File of Monday, March 4, 1901, under the heading of Senate Special File.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Greenwell, Hoey, Laird, Lardner, Luchsinger, Muentner, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, and Welch—23.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS SECOND AND THIRD
READING OF BILLS.

Assembly Bill No. 53—An Act to amend Section 3488 of the Political Code of the State of California, relating to the public lands of the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 53 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Goad, Greenwell, Hoey, Laird, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 24—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing the proposed constitutional amendments.

Passed on file.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Read third time, and passed on file.

Assembly Bill No. 588—An Act to amend Section 180 of the Penal Code of the State of California, approved February 10, 1899, relating to bringing into State prisons, jails, reformatories, etc., opium, morphine, cocaine, or other narcotics, intoxicating liquors, firearms, etc.

Passed on file.

Assembly Bill No. 283—An Act to amend Section 357 of the Penal Code, relating to marking and branding, changing, altering, or defacing the marks and brands of domestic animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 283 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 285—An Act to add a new section to the Penal Code, the said section to be designated 357½, relating to the marking and branding or altering, changing or defacing marks and brands on domestic animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 285 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Currier, Cutter, Devlin, Greenwell, Hoey, Laird, Lardner, Luchsinger, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Sims, Tyrrell of Nevada, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 430—An Act to prohibit the use by purchasers of milk, cream, or other dairy products, of apparatus, test-bottles, or other appliances showing false percentages of cream, butter-fat, or richness, or which by their use are calculated to deceive or defraud.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 430 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Goad, Greenwell, Hoey, Laird, Lardner, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 407—An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1899.

Passed on file.

Assembly Bill No. 757—An Act to amend Section 473 of the Civil Code of the State of California, relating to consolidation of railroad corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 757 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Cutter, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Nutt, Oneal, Pace, Plunkett, Simpson, Tyrrell of San Francisco, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 289—An Act to regulate the establishment of, and maintenance of, public laundries and public washhouses in the cities and counties of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senators Currier, Cutter, Muentner, and Nutt—4.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Goad gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 289 was this day finally passed.

CONSIDERATION OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 559—An Act to add a new section to the Political Code of the State of California, relating to the preservation of public health.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 559 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senators Ashe, Plunkett, and Sims—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 281—An Act to provide for the location and construction of a State highway from a point at or near Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 281 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Curtin, Davis, Devlin, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Plunkett, Selvage, Simpson, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senators Cutter, Laird, Muentner, Nutt, Rowell, Shortridge, and Smith of Kern—7.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 281 was this day finally passed.

CONSIDERATION OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 425—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, and cities and counties.

Passed on file.

Assembly Bill No. 334—An Act defining investment companies, and regulating and governing corporations, associations, and individuals engaging in the business of placing or selling debentures, bonds, or certificates of investment by whatsoever name such debentures, bonds, or certificates may be designated, and to protect the holders thereof, and placing them under the supervision of the Bank Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 334 refused passage by the following vote:

AYES—Senators Belshaw, Burnett, Currier, Curtin, Devlin, Lardner, Rowell, Selvage, and Simpson—9.

NOES—Senators Ashe, Bettman, Byrnes, Cutter, Davis, Goad, Laird, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Shortridge, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—19.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 334 was this day refused passage.

CONSIDERATION OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 563—An Act regulating and limiting the sale of convict-made articles.

Read third time.

TIME FOR CONSIDERING ASSEMBLY BILLS CONTINUED.

On motion of Senator Belshaw, the time for consideration of Assembly bills was continued pending consideration of Assembly Bill No. 563.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 563 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Los Angeles, and Tyrrell of San Francisco—25.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESIGNATION OF ASSISTANT SERGEANT-AT-ARMS.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

To the President of the Senate of California:

I hereby tender my resignation as Assistant Sergeant-at-Arms of the Senate, to take effect on and after March 2, 1901.

Respectfully,

L. M. BETTMAN.

On motion of Senator Cutter, the resignation was accepted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Edward Gilleran be elected statutory Assistant Sergeant-at-Arms of the Senate for the remainder of the present session, vice L. M. Bettman, resigned.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Muentner, Nutt, Oneal, Plunkett, Selvage, Simpson, Sims, Smith of Kern, and Tyrrell of San Francisco—24.

NOES—None.

At three o'clock and forty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Laird asked unanimous consent to withdraw Senate Bill No. 566—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation—and to substitute therefor Senate Bill No. 580 on file.

Consent granted.

Senate Bill No. 566 withdrawn and ordered stricken from the file and Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation—substituted therefor on file.

THIRD READING OF BILL ON SENATE SPECIAL FILE.

Senator Sims asked and was granted unanimous consent to take up Senate Bill No. 571 for immediate consideration.

Senate Bill No. 571 An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 571 passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens, Nutt, Oneal, Plunkett, Rowell, Selvage, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—24.

NOES—Senators Burnett, Laird, and Nelson—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Luchsinger was granted leave of absence until Monday, March 4, 1901, on his own motion.

Senator Simpson was granted leave of absence until Tuesday, March 5, 1901, on his own motion.

SPECIAL ORDERS SET.

On motion of Senator Smith of Kern, Senate Constitutional Amendments Nos. 20 and 18 were made special order for this day, immediately following the special order already set for eight o'clock P. M.

On motion of Senator Devlin, Assembly Bill No. 683 was made special order for this date, immediately following the regular orders already set for eight o'clock P. M.

BILL RECALLED FROM ENGROSSMENT AND THIRD READING FOR PURPOSE OF AMENDMENT.

On motion of Senator Muentner, Senate Bill No. 384 was recalled from engrossment for purpose of amendment.

Senate Bill No. 384—An Act making an appropriation of \$8,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

The bill having been recalled from engrossment and third reading and returned to second reading, Senator Muentner moved that the vote whereby the following amendments were on yesterday adopted—

AMENDMENT No. 1.

Amend by striking out the words "purchase of three new boilers for," in lines four and five, Section 1, first page, printed bill, and inserting in lieu thereof the words "repair of the boilers of";

AMENDMENT No. 2.

Amend first line of title to read "\$2,500" instead of "\$8,000," and Section 1, line one, to read "two thousand five hundred dollars" instead of "eight thousand dollars"; also, in Section 1, line four, substitute the word "repair" for the word "purchase"—

be now reconsidered.

Motion carried.

Senator Muentner offered the following amendments as substitutes for the above amendments:

Amend line one of Section 3, page one of printed bill, by striking out the word "immediately" and inserting in lieu thereof the words "from and after January first, nineteen hundred and two."

Amendment adopted.

Also:

Amend line one of Section 1, page one of printed bill, by striking out the words "eight thousand" and inserting in lieu thereof the words "two thousand five hundred."

Amendment adopted.

Also:

Amend lines four and five of Section 1, on page one of printed bill, by striking out the words "purchase of three new boilers for" and inserting in lieu thereof the words "repair of the boilers of."

Amendment adopted.

Also:

Amend title by striking out of line two the figures "\$8,000" and inserting in lieu thereof the figures "\$2,500"; also, in line four, strike out the words "purchase three new boilers for." and insert in lieu thereof the words "repair the boilers of."

Amendment adopted.

Bill read second time, and reordered to print, engrossment, and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 556—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

GREENWELL, Chairman.

Assembly Bill No. 556 ordered on file for second reading.

BILL ORDERED PRINTED WITH PROPOSED COMMITTEE AMENDMENTS.

On motion of Senator Curtin, the Secretary was directed to have Senate Bill No. 556 printed with the proposed committee amendments, for convenience.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Wolfe, the following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1901. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 322, entitled "An Act amending Section 751 of an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations,' approved March 13, 1883, relating to the officers of cities of the fifth class"; and No. 105, entitled "An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges"; also, No. 36, entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by amending Section 1238 thereof"; and No. 186, entitled "An Act to amend an Act entitled 'An Act to establish board of parole commissioners for the parole of and government of paroled prisoners,' approved March 23, 1893."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1901. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 68, entitled "An Act to add a new section to the Penal Code of the State of California, to be known as Section 344, and to repeal Section 502 of the Penal Code of the State of California, relating to persons carrying on the business of junk-dealers, and persons acting as their agents"; and No. 205, entitled "An Act to pay the claim of Ed E. Leake against the State of California."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1901. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 959, entitled "An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same"; and No. 409, entitled "An Act to amend Section 963 of the Code of Civil Procedure"; and No. 302, entitled "An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,286, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four, now held by the California Bank, Oakland, assignee of J. C. Daly, plaintiff, against the State of California, defendant."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1901. }

To the Senate of the State of California :

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 161, entitled "An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about such fort."

The many pressing and needed appropriations for the maintenance and support of the various State institutions will not permit at this time of the appropriation of the sum of \$20,000, nor any other sum, for the purchase of the land described in this bill, however laudable it may appear, for the purpose of beautifying and improving the historic Sutter's Fort.

The bill is also objectionable for the further reason that the appropriation is made payable immediately.

HENRY T. GAGE,
Governor of the State of California.

SPECIAL ORDER SET.

On motion of Senator Flint, consideration of Governor's veto to Senate Bill No. 161 was made special order for Saturday, March 2, 1901, at three o'clock and thirty minutes P. M.

MESSAGES FROM THE GOVERNOR—(RESUMED).

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 185, entitled "An Act to add a new section to the Penal Code, to be known and numbered Section 556, to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor."

This bill, while designed to prevent frauds which deserve public condemnation, is unhappily so worded as to injuriously affect the sale of fruit and the fruit-packing and fruit-canning interests of the State.

The measure declares that it shall be unlawful to sell, dispose of, ship, or offer for shipment any fruit contained in boxes, cans, glasses, packages, or barrels with a stamp, stencil, brand, printed statement or label affixed thereto, which shall falsely designate the county or place in which said fruit is grown, or canned, or packed.

Under the terms of this proposed law, the sale or disposition of such fruit, by even the retail merchant or any other innocent person, would be made criminal, if it should chance that the county or place in which the fruit is grown, canned, or packed would be falsely marked thereon by error or design of the fruit-growers or the original packers of the goods.

Again, there are fruit-packing companies in various counties which box, can, and pack fruit purchased from other counties, and designate the fruit so packed under such company's name, which business would be affected by the vague penal provisions of the present bill, although the acts of such companies might be devoid of fraudulent intent, such a law would tend to restrict the operations of such companies to the limits of their own counties, and prevent their purchase of fruit from outside counties.

If a proper bill be drawn to redress the evil intended to be guarded against, it will not meet with my disapproval. I would suggest, however, in the framing of such bill, that the offense be punished as in the case of ordinary misdemeanors, with the usual maximum penalty, but fixing no minimum penalty.

HENRY T. GAGE,
Governor of the State of California.

SPECIAL ORDER SET.

On motion of Senator Currier, consideration of Governor's veto to Senate Bill No. 185 was made special order for Saturday, March 2, 1901, at three o'clock and thirty minutes P. M.

MESSAGES FROM THE GOVERNOR—(RESUMED).

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, Senate Bill No. 122, entitled "An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California."

This bill is almost literally the same as Assembly Bill No. 167, previously approved by me; hence, its approval would not only serve no useful purpose, but would encumber the Penal Code with duplicate sections.

HENRY T. GAGE,
Governor of the State of California.

The question being, "Shall Senate Bill No. 122 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

A YES—None.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Muentner, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

BILL RECALLED FROM ENGROSSMENT AND THIRD READING FOR PURPOSE OF AMENDMENT.

On motion of Senator Smith of Kern, Senate Bill No. 398 was recalled from engrossment and third reading for purpose of amendment.

CONSIDERATION OF RE-ENGROSSED BILL.

Senator Taylor asked and was granted unanimous consent to take up Senate Bill No. 556 for immediate consideration.

Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Devlin, Goad, Greenwell, Hoey, Laird, Leavitt, Lukens, Nelson, Oneal, Plunkett, Rowell, Shortridge, Simpson, Taylor, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Bettman, and Smith of Kern—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At the hour of four o'clock and fifteen minutes P. M., on motion of Senator Bettman, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

Quorum present.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Section 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—having arrived, on motion of Senator Cutter the same was postponed until Monday, March 4, 1901, at eight o'clock P. M., and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set—being consideration of Senate Constitutional Amendments Nos. 20 and 18—having arrived, the same was taken up.

SENATE CONSTITUTIONAL AMENDMENT No. 20.

A resolution proposing to the people of the State of California an amendment to the Constitution by adding a new section to Article IV thereof, relating to establishing State highways, and providing for the construction and maintenance thereof.

The Legislature of the State of California at its thirty-fourth session, commencing on the seventh day of January, Anno Domini one thousand nine hundred and one, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that a new section be added to article four of said Constitution, to be numbered section thirty-six, and to read as follows:

SEC. 36. The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 20 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Curtin, Cutter, Davis, Devlin, Flint, Hoey, Lardner, Leavitt, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—27.

NOES—Senator Goad—1.

Constitutional Amendment No. 20 ordered transmitted to the Assembly.

SENATE CONSTITUTIONAL AMENDMENT No. 18.

A resolution to propose to the people of the State of California an amendment to the Constitution by adding to Article IV thereof a new section, to be known as Section 25½, relating to the division of the State into fish and game districts.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, Anno Domini one thousand nine hundred and one, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that the Constitution be amended by adding to article four thereof a new section, to be known as section twenty-five and one half, and to read as follows:

SEC. 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Senate Constitutional Amendment No. 18 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—28.

NOES—None.

Constitutional Amendment No. 18 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Assembly Bill No. 683—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections—having arrived, the same was taken up.

Assembly Bill No. 683—An Act to revise the Civil Code of the State

of California by amending certain sections, repealing others, and adding certain new sections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend Section 83 of the bill by striking from line two, page thirty-one, the word "ninety-nine," and inserting "eighty-nine."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "within the United States," in Section 100, line thirteen, page thirty-six of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 196 of said bill, eighty-first page.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF BILL RECALLED FROM ENGROSSMENT AND THIRD READING.

Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California.

The bill having been previously recalled from engrossment and third reading, Senator Smith of Kern offered the following amendments:

Amend title after the word "California" by striking out the period and inserting a comma; also, add, after "California," the words "and making an appropriation therefor."

Amendment adopted.

Also:

Amend as follows: In Section 1, line two of the printed bill, strike out the word "sixty-seventh" and insert therefor the word "sixty-seven."

Amendment adopted.

Bill read second time, and reordered to print, engrossment, and third reading.

THIRD READING OF BILLS.

Senate Bill No. 421—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water.

Passed on file.

Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage.

Passed on file.

Senate Bill No. 272—An Act appropriating \$5,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital at Patton, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 272 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 274—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 274 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 333—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Wm. Cronan for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 333 passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Cutter, Devlin, Goad, Hoey, Laird, Leavitt, Lukens, Nelson, Nutt, Pace, Plunkett, Selvage, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—23.

NOES—Senator Burnett—1.

Title read and approved.

Committee Substitute for Senate Bill No. 333 ordered transmitted to the Assembly.

Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Read third time.

Senator Devlin moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by adding a new section, as follows:

"SEC. 3. This Act shall take effect January one, nineteen hundred and two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society.

Senator Leavitt moved to refer to Senator Smith of Kern, as a special committee of one, to amend as follows:

Amend by striking out of Section 3, line six, the following: "Said deed shall contain a condition that the land described in said deed shall be used exclusively for the purposes of the California State Agricultural Society, and shall not be devoted to other uses without the consent of said society."

The question being on the motion to appoint a special committee of one.

Senator Caldwell moved that consideration of Committee Substitute for Senate Bill No. 50, and the motion to appoint a special committee of one, be made special order for Monday, March 4, 1901, at three o'clock and thirty minutes P. M.

So ordered.

Senate Bill No. 470—An Act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 470 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Nelson, Pace, Plunkett, Selvage, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections, and the plumbing and connections, of the Napa State Hospital at Napa.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 415 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Pace, Rowell, Selvage, Taylor, Tyrrell of Nevada, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, to reenact Section 3859 of said code, to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3790, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, and to repeal Section 3640 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 331 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 129—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 129 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis,

Flint, Goad, Greenwell, Hoey, Leavitt, Lukens, Maggard, Nelson, Pace, Plunkett, Rowell, Selvage, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 131—An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 131 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Lardner, Leavitt, Lukens, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Sims, Tyrrell of Nevada, and Tyrrell of San Francisco—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 132—An Act to change and permanently locate the boundary line between the counties of Yuba and Plumas.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 132 passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Hoey, Lardner, Leavitt, Lukens, Maggard, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Sims, Tyrrell of Nevada, and Tyrrell of San Francisco—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly reengrossed:

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

NELSON, Chairman.

Senate Bill No. 381 ordered on file for passage.

ADJOURNMENT.

At ten o'clock and five minutes P. M., Senator Leavitt moved to adjourn until Monday, March 4, 1901, at eleven o'clock A. M.

Senator Belshaw moved to amend by moving to adjourn.

The question being on the amendment.

The ayes and noes were demanded by Senators Belshaw, Leavitt, and Bettman.

The roll was called, and amendment adopted by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Lardner, Maggard, Oneal, Pace, Rowell, Selvage, Sims, and Welch—15.
NOES—Senators Bettman, Greenwell, Hoey, Leavitt, Lukens, Plunkett, Tyrrell of Nevada, and Tyrrell of San Francisco—8.

Whereupon the President pro tem. of the Senate declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 2, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Muentner, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—27.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Friday, March 1, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 26, 1901, having been previously read and corrected, was approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 220—An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys.

Also: Passed Senate Bill No. 620—An Act making an appropriation to pay the claim of the County of Marin against the State.

Also: Passed Senate Bill No. 16—An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville, in this State, and making an appropriation therefor.

Also: Adopted Senate Joint Resolution No. 9—Relative to the improvement of Oakland Harbor.

Also: Concurred in Senate amendments to Assembly Bill No. 232—An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities, to license bicycles, tricycles, and similar vehicles, and to collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for the use of pedestrians, and the wheeling thereon of such vehicles.

Also: Passed Assembly Bill No. 586—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Also: Passed Assembly Bill No. 449—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts.

Also: Passed Assembly Bill No. 584—An Act to provide for the location, construction, and maintenance of a State highway commencing at a point in Contra Costa County at or near the residence of W. H. Buckley on the Fish Ranch Road, and running thence to the western end of what is known as Kennedy's Tunnel, in Alameda County, creating the Alameda-Contra Costa Highway Fund, prescribing the duties of the various officers in connection therewith, and making an appropriation therefor.

Also: Passed Assembly Bill No. 164—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers, and the number and compensation of their deputies.

Also: Passed Assembly Bill No. 360—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 288, relating to crimes against children

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 620 and 16 and Senate Joint Resolution No. 9 ordered to enrollment.

Assembly Bill No. 586 read first time, and referred to Committee on County Government.

Assembly Bill No. 449 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 584 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 360 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 164 read first time, and referred to Committee on County Government.

Senator Belshaw moved that the rules be suspended and that Assembly Bill No. 584 be placed on file without reference to committee, with the same committee recommendation given to Senate Bill No. 453, viz: "Do not pass."

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Tyrrell of Nevada, and Tyrrell of San Francisco—24.
NOES—Senators Smith of Kern, and Welch—2.

Assembly Bill No. 584 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 422—An Act making an appropriation of \$15,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital, situated in the City of Stockton.

Also: Passed Assembly Bill No. 565—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Also: Passed Assembly Bill No. 198—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 422 read first time, and referred to Committee on Finance.

Assembly Bill No. 565 read first time, and referred to Committee on Finance.

Assembly Bill No. 198 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the committee of free conference concerning Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities—which report amends said bill as follows:

Strike out Section 13 and insert in lieu thereof the following:

"SEC. 13. Any ordinance establishing a library adopted under the provisions of section one of this Act may be repealed by the body which adopted the same upon being requested to do so by one fourth of the electors of such municipal corporations in

the manner provided in section two of this Act, and upon the repeal of such ordinance such library shall be disestablished in such municipal corporation.

"SEC. 14. This Act shall take effect immediately."

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 115—An Act to provide for the establishment and maintenance of free libraries, etc.—report that we have met a like committee of the Assembly, consisting of Assemblymen Sheridan, Dunlap, and Brown of San Mateo; and we report that the free conference committee agreed upon and recommend the adoption of the following amendments:

Strike out Section 13 thereof and insert in lieu thereof the following:

"SEC. 13. Any ordinance establishing a library adopted under the provisions of section one of this Act may be repealed by the body which adopted the same upon being requested to do so by one fourth of the electors of such municipal corporations in the manner provided in section two of this Act, and upon the repeal of such ordinance such library shall be disestablished in such municipal corporation."

"SEC. 14. This Act shall take effect immediately."

The question being on the adoption of the report and amendment.

The roll was called, and the report and amendment adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hooy, Laird, Lardner, Leavitt, Lakens, Muenster, Nelson, Nutt, Plunkett, Rowell, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—27.

NOES—None.

Senate Bill No. 115 ordered to print and enrollment.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Goad, his notice of motion to reconsider the vote whereby Assembly Bill No. 289—An Act to regulate the establishment of and maintenance of public laundries and public washhouses in the cities and counties of the State—was passed, was postponed until next legislative day.

SPECIAL ORDERS RESET.

On motion of Senator Flint, consideration of Governor's veto to Senate Bill No. 161, heretofore made special order for Saturday, March 2, 1901, at three o'clock and thirty minutes P. M., was postponed until Wednesday, March 6, 1901, at three o'clock and thirty minutes P. M., and was therefore made special order for that date and hour.

On motion of Senator Currier, consideration of Governor's veto to Senate Bill No. 185, heretofore made special order for Saturday, March 2, 1901, at three o'clock and thirty minutes P. M., to follow the other special order set for that hour, was postponed until Wednesday, March 6, 1901, at three o'clock and thirty minutes P. M., immediately following the other special order already set for that hour, and was therefore made special order for that date and hour.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Leavitt moved a reconsideration of the vote whereby Assembly Bill No. 281—An Act to provide for the location and construction of a State

highway from a point at or near Merced Falls to the boundary line of the Yosemite National Park, at its crossing of the Merced River, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor—was on yesterday passed.

The roll was called, and motion to reconsider lost by the following vote:

AYES—Senators Currier, Leavitt, Maggard, and Rowell—4.

NOES—Senators Belshaw, Bettman, Burnett, Caldwell, Curtin, Davis, Greenwell, Lardner, Muentner, Nelson, Nutt, Plunkett, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Welch—18.

Assembly Bill No. 281 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 2, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 609—An Act to define express companies and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Senate Bill No. 552—An Act creating the office of Game Commissioner, and defining his duties.

Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

NELSON, Chairman.

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, March 2, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Assembly Bill No. 331—An Act to amend Section 374 of an Act entitled "An Act to establish a Penal Code"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 11—An Act to repeal an Act entitled "An Act to create the office of Attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 630—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursements of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

MAGGARD, Chairman.

Assembly Bill No. 331 and Senate Bill No. 11 ordered on file for second reading.

Senate Bill No. 630 referred to Committee on Judiciary.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 172—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Also: Senate Bill No. 217—An Act making an appropriation to study the life history of beneficial and injurious insects in the State of California.

Also: Senate Bill No. 388—An Act making an appropriation for the erection of a workshop at the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 510—An Act to establish the California State Poultry Experimental Farm, and appropriating money therefor.

Also: Senate Bill No. 546—An Act to declare the Alturas and Lakeview Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Also: Senate Bill No. 558—An Act making an appropriation of \$20,000 for the expenses of maintaining, repairing, improving, and protecting the Lake Tahoe Wagon Road, together with its bridges and culverts, during the fifty-third and fifty-fourth fiscal years.

Also: Senate Bill No. 599—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Also: Senate Bill No. 628—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park.

Also: Senate Bill No. 645—An Act to appropriate the sum of \$25,000 for the erection of a monument in Golden Gate Park, San Francisco, California, as a memorial of Colonel E. D. Baker, and providing for the appointment of commissioners to carry into effect the provisions of this Act, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Senate Bill No. 647—An Act appropriating \$1,200, the amount heretofore appropriated to Agricultural District No. 43, comprising the County of Lassen, by an Act entitled "An Act making appropriations for the support of the government of the State of California for the fifty-first and fifty-second fiscal years," approved March 17, 1899.

Also: Assembly Bill No. 124—An Act to provide for the construction of a State highway or model wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating money and crushed rock and granite or stone blocks for drains and culverts therefor.

Also: Assembly Bill No. 382—An Act to provide for the appointment of a trustee who shall accept the gift of land, purchase a monument, and properly mark the spot where the Treaty of Caluenga was made, and appropriating money therefor.

Also: Assembly Bill No. 447—An Act making an appropriation to pay claims for conveying children to the Home for Feeble-Minded Children at Eldridge.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 41—An Act to provide for a segregated hospital building and for further equipping of the Deaf, Dumb, and Blind Asylum at Berkeley.

Also: Assembly Bill No. 292—An Act to provide for the payment of P. W. Forbes for costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 497—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 638—An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Also: Assembly Bill No. 690—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

S. C. SMITH, Chairman.

Senate Bills Nos. 172, 217, 388, 510, 546, 558, 599, 628, 645, 647, 497, and 638 and Assembly Bills Nos. 124, 382, 447, 41, 292, and 690 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolutions:

Resolved, That the sum of \$14.50 be and it is hereby appropriated out of the Contingent Fund of the Senate to pay the expenses, as per bills attached, of the special committee on taxation and revenue, appointed at the thirty-third session of the Legislature by resolution of the Senate; the State Controller is hereby directed to draw his warrant in favor of S. C. Smith for said sum of \$14.50, and the Treasurer is directed to pay the same.

Resolved, That the sum of \$74 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the actual expenses of the members of the Committee on Judiciary visiting and examining China Basin, under authority of resolutions adopted by this body, and the State Controller is hereby directed to draw his warrant

to the order of the Sergeant-at-Arms of the Senate for said sum of \$74, and the State Treasurer is hereby directed to pay the same.

Resolved. That the sum of \$75 be and is hereby appropriated out of the Contingent Fund of the Senate to pay the expenses of the committee on visiting and examining the Preston School of Industry at Lone, under authority of resolution adopted by this body. The State Controller is hereby directed to draw his warrant in favor of Senator Tyrrell of Nevada for said sum of \$75, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Plunkett, Selvage, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—24.

NOES—None.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being consideration of Senate Constitutional Amendments Nos. 11, 15, and 16, having arrived, on motion of Senator Davis the same was postponed until Monday, March 4, 1901, immediately following the regular order of reports of standing committees, and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 552—An Act creating the office of Game Commissioner, and defining his duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nutt, Oneal, Pace, Plunkett, Selvage, Shorrtridge, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—Senators Nelson, and Smith of Kern—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILLS.

Senator Davis asked and was granted unanimous consent to take up Assembly Bills Nos. 768 and 769 for immediate consideration.

Assembly Bill No. 768—An Act to amend the Penal Code by adding one new section to Title VII thereof, relative to crimes against public justice, said section to be numbered 181.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 768 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muentert,

Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 769—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 769 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senator Cutter asked and was granted unanimous consent to take up Senate Bill No. 627 for immediate consideration.

Senate Bill No. 627—An Act to authorize and empower the Board of Directors of San Quentin State Prison to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words from and after the word "the," in line one, Section 1, first page of the printed bill, to and including the word "prison," in line two thereof, and inserting in lieu the following: "State Board of Prison Directors."

Also: By striking out the words "Board of Prison Directors," in lines six and seven, and inserting in lieu thereof the following: "State Board of Prison Directors."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words in the title "Board of Directors of San Quentin State Prison," and inserting in lieu thereof the following: "State Board of Prison Directors."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Curtin asked and was granted unanimous consent to take up Assembly Bill No. 556 for immediate consideration.

Assembly Bill No. 556—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation and the consumers of such water.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of Section 4 and inserting in lieu thereof the following: "SEC. 4. Nothing in this Act contained shall affect any contract made prior to the time that the Board of Supervisors fix and establish the rates and regulations for and under which water shall be sold and supplied."

Amendment adopted.

AMENDMENT No. 2.

Add a new section thereto, numbered as follows:

"SEC. 5. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of the title and insert a new title therein, as follows: "An Act declaring upon what terms contracts between persons, companies, associations, or corporations furnishing water for irrigation to the consumers of such water shall be valid, and to provide that such contracts shall be deemed based upon sufficient consideration."

Amendment adopted.

Bill read second time, ordered to print and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Caldwell:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Caldwell be and he is hereby permitted to introduce a bill, to be numbered 651.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Caldwell: Senate Bill No. 651—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of real property situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro, Los Angeles & Salt Lake Railroad Company, for the purposes of a right of way and depot grounds for a steam railroad.

Bill read first time, and referred to Committee on Hospitals.

MOTION TO ADJOURN.

At the hour of eleven o'clock and fifty-five minutes A. M., Senator Burnett moved that the Senate do now adjourn until eleven o'clock A. M. of Monday, March 4, 1901.

Motion lost.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Senate Bill No. 392—An Act concerning, confirming, and ratifying leases and other contracts made by any officer or boards of officers of this State.

Passed on file.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

Read third time.

Senator Laird moved to refer to Senator Tyrrell, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines seven and eight, the words "the cost of such examination shall be paid for by the insured."

Motion lost.

Senator Leavitt moved a reconsideration of the vote whereby the above motion to refer to special committee of one was lost.

The question being on the motion to reconsider.

The ayes and noes were demanded by Senators Wolfe, Laird, and Davis.
The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Laird moved a call of the Senate.

Time, twelve o'clock and fifteen minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.
The doors were closed, and the Secretary was directed to call the roll.
The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Leavitt.
The roll of absentees was called.

Whereupon the President announced that the motion to reconsider carried by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Hoey, Laird, Leavitt, Lukens, Maggard, Muentner, Nelson, Oneal, Rowell, Shortridge, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—17.

NOES—Senators Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Lardner, Nutt, Pace, Selvage, Simpson, Sims, and Taylor—16.

The question then being on the motion to appoint a special committee of one.

SPECIAL ORDER SET.

Senator Leavitt moved that consideration of Senate Bill No. 640, and the motion to appoint a special committee of one, be made special order for Monday, March 4, 1901, at three o'clock and thirty minutes P. M., immediately following other special order set for that date and hour.

So ordered.

CONSIDERATION OF CONCURRENT RESOLUTION.

Senator Oneal asked and was granted unanimous consent to take up Senate Concurrent Resolution No. 14 for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 14.

Approving amendments to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 5th day of February, 1901.

WHEREAS, The City of San José, a municipal corporation in the County of Santa Clara, State of California, is now, and was at all times herein referred to, a city contain-

ing a population of more than three thousand and five hundred inhabitants, and not more than thirty thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on Monday, November second, eighteen hundred and ninety-six, in accordance with law and the provisions of section eight of article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was on January second, eighteen hundred and ninety-seven, signed in duplicate by all the members of said board of fifteen freeholders, and was on said last named day, returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Clara County; and

WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit: "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January second, eighteen hundred and ninety-seven; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit: the Mayor and Common Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February twenty-third, eighteen hundred and ninety-seven; and

WHEREAS, The returns of said election were duly canvassed by said Mayor and Common Council of said City of San José at a meeting held on Wednesday, February twenty-fourth, eighteen hundred and ninety-seven (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The said charter was afterwards submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State; and

WHEREAS, On the fifth day of March, eighteen hundred and ninety-seven, by concurrent resolution of the Senate and Assembly of the said Legislature a majority of all the members of each house voting for and concurring therein, the said charter was ratified and approved as a whole, for and as the charter of the said City of San José; and

WHEREAS, One copy of said charter so ratified and approved was deposited in the office of the Secretary of State of the State of California; and

WHEREAS, One copy of said charter so ratified and approved was duly and regularly recorded in the office of the County Recorder of the County of Santa Clara, State of California, on the twenty-fourth day of March, eighteen hundred and ninety-seven, and was after being so recorded, deposited in the archives of the said City of San José; and

WHEREAS, Said charter so ratified and approved has not been amended since the date of its adoption, nor within two years from the date hereof; and

WHEREAS, The Mayor and Common Council, being the legislative authority of said city, by ordinance duly and regularly passed by said Common Council in accordance with law and with the provisions of said charter on the twenty-eighth day of November, nineteen hundred, and approved by the Mayor of said city on the thirtieth day of November, nineteen hundred, did, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, propose to the qualified electors of said City of San José, certain amendments to the said charter of said city, said amendments being twelve in number; and

WHEREAS, said ordinance so passed and approved as aforesaid called a special election to be held on Tuesday, the fifth day of February, nineteen hundred and one, for the purpose of submitting, and submitting to the qualified electors of said city said proposed amendments to said charter; and

WHEREAS, A copy of said ordinance proposing said amendments to said charter was deposited for record in the office of the Recorder of Santa Clara County, California, on the twenty-second day of December, nineteen hundred; and

WHEREAS, Said ordinance containing said proposed amendments to said charter was, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days, after its passage and approval, in "The San José Herald," a daily newspaper of general circulation in the City of San José; and

WHEREAS, Said special election was held in the said City of San José on Tuesday, the fifth day of February, nineteen hundred and one, which day was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and

WHEREAS, On the seventh day of February, nineteen hundred and one, at a meeting duly convened in accordance with law and with the provisions of said charter, the Mayor and Common Council of the City of San José duly and regularly canvassed the returns of said special election; and

WHEREAS, At such special election so held on the fifth day of February, nineteen hundred and one, eleven of said proposed amendments were ratified by a vote of more

than three fifths of the qualified electors voting thereat, and one of said proposed amendments received less than three fifths of the votes of said qualified electors; and

WHEREAS, Said Mayor and Common Council after canvassing said returns, duly found and declared that eleven of said proposed amendments had been ratified by a vote of more than three fifths of the qualified electors, and that one of said proposed amendments had received less than three fifths of such vote; and

WHEREAS, The said eleven proposed amendments so ratified by the electors of said city at such election are now submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, The said eleven amendments to said charter so ratified by the votes of more than three fifths of the qualified electors of the said City of San José voting at said election are in words and figures as follows, to wit:

Amendments to the charter of the City of San José, ratified by the votes of more than three fifths of the qualified electors voting at the special election held for that purpose on Tuesday, the fifth day of February, 1901.

That section one of chapter one of article two of said charter be amended so as to read as follows:

Section 1. The provisions of all general laws governing elections for State and county officers not inconsistent with the provisions of this charter are hereby adopted as the law governing city elections for city officers, and the provisions of all general laws governing special elections in municipalities applicable to all municipalities of the State or to municipalities of the third class, and not inconsistent with the provisions of this charter, are hereby adopted as the laws governing all special elections held within the city, and in all elections the Mayor and Common Council, and the City Clerk, respectively, shall exercise the powers and perform the duties conferred or imposed by law on Boards of Supervisors and County Clerks concerning elections.

That section four of chapter one of article two of said charter be amended so as to read as follows:

Section 4. The Mayor and Common Council shall provide for holding all city elections. The boundaries of the precincts shall remain as fixed for the election of State and county officers at the last general election preceding a city election, unless changed by ordinance of the Mayor and Common Council. Each inspector, judge, and clerk of election shall receive not more than three dollars for his services.

The election returns from each precinct shall be filed with the City Clerk, who shall immediately place the same in the vaults of the City Clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the Common Council.

On the second day after a city election the Mayor and Common Council shall canvass said returns and declare the result. If two persons receive an equal number of votes for the same office the Common Council shall, by ordinance, select one of such persons to fill the office until the next general city election.

That section six of chapter two of article two of said charter be amended so as to read as follows:

Section 6. The officers hereinafter named shall receive the following annual salaries:

Mayor	\$2,000 00
Councilmen, each	300 00
Treasurer and Collector	1,500 00
Clerk	1,500 00
City Attorney	1,500 00
Chief of Police	1,500 00
City Engineer	1,800 00
Street Superintendent	1,200 00

Salaries of all officers shall be payable monthly.

That section five of chapter one of article five of said charter be amended so as to read as follows:

Section 5. The operation of the provisions of this chapter requiring the revenue for the fiscal year to be actually paid into the treasury before any expenditure can be made or liability incurred against any specific fund shall be suspended if at the beginning of the first fiscal year after the adoption of this charter there shall not be sufficient money in said several funds, added to what would be available from other sources, to meet all legal demands against the treasury for the first five months of said fiscal year. In such case the Mayor and Common Council shall create a fund to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the city government upon a cash basis, and to be used for no other purpose, and annually thereafter until the purpose for which said fund was created has been accomplished shall, at the time of levying other city taxes, levy not less than five cents on the one hundred dollars assessed valuation of property for such fund. This tax of five cents shall be within the one dollar limit fixed by this charter in section two of the article on revenue. The money thus collected shall be allowed to accumulate in said fund until at the end of any fiscal year it shall be sufficient to meet all legal demands which may be made against the several funds during the first five months of the succeeding fiscal year. The Common Council shall then by ordinance declare the finances of the city on

a cash basis, direct the Treasurer to apportion the money in the Cash Basis Fund to the several funds, and further declare that the Cash Basis Fund is abolished, and that the said suspended provisions of this charter are in full force and effect. Until such ordinance declaring the payment of the running expenses of the city government to be on a cash basis shall have been passed, the Mayor and Common Council are hereby given the power and authority (subject to the provisions of section one, chapter one, article five) to temporarily transfer from said Cash Basis Fund to any other fund or funds such an amount or amounts as may be deemed necessary for the purpose of placing such fund or funds as far as possible, on a cash basis; and the Treasurer is charged that all money so transferred from said Cash Basis Fund shall be returned to it before the end of the fiscal year.

That section six of chapter three of article five of said charter be amended so as to read as follows:

Section 6. Out of the Street Light Fund shall be paid all sums authorized to be paid for lighting the streets.

That subdivision thirteen of section five of article nine of said charter be amended so as to read as follows:

Thirteen—To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment at such time as the board may direct of tuition fees, to be fixed by the board.

That section nine of article nine of said charter be amended so as to read as follows:

Section 9. The Board of Education shall annually elect three of its members as a standing committee on classification. The city superintendent of schools shall be ex officio secretary of this committee, with no vote. It shall be the duty of the committee:

First—To recommend the assignment of the several teachers to their schools and classes, and janitors to their positions.

Second—To make themselves acquainted by personal inspection with the work of every employé of the board, and before the close of the school year to make a written report to the board stating what duties are being performed by each.

Third—To recommend in such report which employés, other than permanent teachers, shall in their judgment be retained for the ensuing year.

That section thirteen of article nine of said charter be amended so as to read as follows:

Section 13. Teachers during their first and second years of service in the department, and all special teachers, shall be classed as probationary teachers, and may be dropped from the department on the adverse report of the classification committee by a vote of a majority of the board. Teachers who have been assigned to duty for more than two years, other than special teachers, shall be classed as permanent teachers, and shall hold their positions without reelection until removed in the manner hereinafter provided. No teacher shall be removed, save at the close of the school year, who has not had at least one month's notice of such contemplated action, nor shall any teacher's salary be reduced except when there is a corresponding reduction made in all salaries in the same grade. A permanent teacher may be removed for cause by a majority vote of the Board of Education or upon the recommendation of the city superintendent and a vote of a majority of the board, or by a vote of four members of the board: a vote for removal shall be taken by ayes and noes, and the vote recorded in the minutes.

That section fourteen of article nine of the said charter be amended so as to read as follows:

Section 14. No teacher shall be elected or appointed to a position in the school department, except in technical or industrial schools that may be established, or as special teacher of some branch, who does not hold a California primary or grammar grade or high school certificate, in full force.

That a new section be added to article nine of said charter, to be known as section fifteen of article nine of said charter, and to read as follows:

Section 15. All claims payable out of the school fund shall be filed with the secretary of the board, and, before payment, must be approved by a majority of all the members appointed to said board, upon a call of ayes and noes, to be recorded in the minutes.

That section one of article thirteen of said charter be amended so as to read as follows:

Section 1. The fiscal year shall begin on the first day of July until after the Common Council passes the ordinance provided for in section five, chapter one, article five, declaring the finances of the city on a cash basis, when it shall begin on the first day of December. After the change of the beginning of the fiscal year the Common Council shall by ordinance regulate the times when reports of the several boards and officers shall be made to conform to the change in the fiscal year.

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, } ss.
CITY OF SAN JOSÉ.

This is to certify that we, C. J. Martin, Mayor of the City of San José, and J. W. Cook, City Clerk of the said City of San José, have compared the foregoing proposed and ratified amendments to the charter of the said City of San José with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special election called for that purpose on Tuesday, the fifth day of February, nineteen hundred and one, and find that the foregoing is a full, true, correct, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be

authenticated by the seal of said City of San José, this ninth day of February, nineteen hundred and one.

[SEAL.]

C. J. MARTIN,
Mayor of the City of San José.
J. W. COOK,
City Clerk of the City of San José.

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein). That said amendments to the charter of the City of San José, as proposed to and adopted and ratified by the qualified electors of said city, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said City of San José aforesaid.

Concurrent resolution read.

The question being on the adoption of concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Leavitt, Lukens, Maggard, Muenter, Nutt, Oneal, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Senate concurrent resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES (OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 164—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 1, 1897, relating to the compensation of county officers and the number and compensation of their deputies—have had the same under consideration, and respectfully report the same back without recommendation.

LUKENS, Chairman.

Assembly Bill No. 164 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 422—An Act making an appropriation of \$15,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

S. C. SMITH, Chairman.

Assembly Bill No. 422 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, March 2, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Assembly Bill No. 23—An Act to provide for the quieting and confirmation of titles to real property—have had the same under consideration, and respectfully report the same back, and recommend that the substitute do pass.

SELVAGE, Chairman.

Assembly Bill No. 23 ordered on file for second reading.

ADJOURNMENT.

At the hour of twelve o'clock and thirty minutes P. M., on motion of Senator Leavitt, the President declared the Senate adjourned until Monday, March 4, 1901, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, March 4, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muenter, Nelson, Nutt, Rowell, Selvaie, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Saturday, March 2, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 27, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Luchsinger was granted leave of absence for the day, on motion of Senator Lukens.

Senator Smith of Los Angeles was granted leave of absence for the day, on motion of Senator Simpson.

PETITION.

The following petition from Contra Costa County was presented by Senator Belshaw, and ordered printed in the Journal down to and including the tenth name:

To the HON. C. M. BELSHAW, Senator representing Senatorial District No. 11:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson, of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that if passed by the Legislature each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

J. Munson, Will Babel, O. J. Gibbons, John H. Wight, J. C. Bown, H. J. Nelson, P. M. Soto, Charles Dunn, Charles Lohse, F. M. Lohse (of Concord).

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 24—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Also: Assembly Constitutional Amendment No. 25—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 17 of Article XX, relating to the hours of labor on public work.

Also: Senate Constitutional Amendment No. 4—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 6 of Article IX, relating to the public school system and the support of public schools.

Also: Assembly Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Also: Assembly Constitutional Amendment No. 17—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section to Article IV thereof, to be numbered Section 36 of said Article IV, relating to legislative power.

Also: Assembly Constitutional Amendment No. 23—Relative to the duties of the State Board of Education.

Also: Assembly Constitutional Amendment No. 19—Proposing that Section 1 of Article II of the Constitution of California, relating to the rights of citizens in voting, be amended by extending the right to vote to females over the age of twenty-one years for the purpose of electing school trustees, boards of education, or for voting upon issuance of school bonds or the levy of school taxes.

Also: Assembly Constitutional Amendment No. 28—A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Article XX by adding thereto two new sections, to be known as Sections 21 and 22, relating to a State commission to have charge, in certain respects, of railroads, transportation companies, common carriers, banks, insurance companies, water, gas, and electric light and power, telephone companies, telegraph companies, and sleeping car companies, and express companies, and of certain services and commodities, howsoever supplied to the public, and regulations concerning the same, and repealing certain present constitutional provisions relative to the same subject.

Also: In compliance with your request, receded from its Amendment No. 8 to Committee Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections—and after having the same reprinted, herewith returns the same to your honorable body.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Constitutional Amendments Nos. 24, 25, 8, 17, 19, 23, and 28 referred to Committee on Constitutional Amendments.

Committee Substitute for Senate Bill No. 138 ordered to enrollment.
Senate Constitutional Amendment No. 4 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 764—An Act to revise the Penal Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Also: Assembly Bill No. 472—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor.

Also: Assembly Bill No. 737—An Act making an appropriation of \$2,500, to be used by the Board of Managers of the Stockton State Hospital, to repair the boilers in the engine room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Also: Assembly Bill No. 506—An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom.

Also: Assembly Bill No. 875—An Act making an appropriation for the support of the government of the State of California for the fifty-third and fifty-fourth fiscal years.

Also: Concurred in Senate amendments to the following Assembly bills:

Assembly Bill No. 281—An Act to provide for the location, construction, and maintenance of a State highway from a point at or near Merced Falls to the boundary line of the Yosemite National Park at its crossing of the Merced River.

Assembly Bill No. 430—An Act to prohibit the use by purchasers of milk, cream, or other dairy products, of apparatus, test-bottles, or other appliances showing false percentages of cream, butter-fat, or richness, or which by their use are calculated to deceive or defraud.

Assembly Bill No. 563—An Act regulating and limiting the sale of convict-made articles.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 764 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 472 read first time, and referred to Committee on Finance.

Assembly Bill No. 737 read first time, and referred to Committee on Hospitals.

Assembly Bill No. 506 read first time, and referred to Committee on Prisons.

Assembly Bill No. 875 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 505—An Act defining what moneys constitute the Contingent Fund of the California Home for the Care and Training of Feeble-Minded Children, and providing for the expenditure thereof.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 505 read first time, and referred to Committee on Hospitals.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 5—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, concerning the right of eminent domain—have had the same under consideration, and respectfully report the same back, and recommend that the same be withdrawn.

Also: Assembly Bill No. 250—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Assembly Constitutional Amendment No. 9 is ratified by the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Assembly Bill No. 250 ordered on file for second reading.

WITHDRAWAL OF BILL.

Senator Belshaw asked unanimous consent to withdraw Senate Bill No. 5.

Consent granted.

Bill withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following bills:

Senate Bill No. 14—An Act to amend Section 1 of an Act approved March 20, 1899, entitled "An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita."

Senate Bill No. 165—An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento.

Senate Bill No. 403—An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 63 and 64, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or election to a public office, making the same a criminal offense and providing a penalty therefor.

Senate Bill No. 121—An Act providing for the levy of a special tax for specific public improvements within municipalities.

Senate Bill No. 113—An Act relative to the meeting place of high school boards within municipal corporations.

Senate Bill No. 455—An Act to repeal an Act entitled "An Act to incorporate the Town of Downieville," approved March 18, 1863; and to repeal an Act amendatory thereof entitled "An Act to amend an Act entitled 'An Act to incorporate the Town of Downieville,' passed March 18, 1863," approved March 31, 1866.

Senate Joint Resolution No. 14—Relative to inviting the Committee on Rivers and Harbors of the House of Representatives to visit the State of California.

Senate Bill No. 112—An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools.

Senate Concurrent Resolution No. 13—Relative to the consent of the Legislature to absence from the State of State Senator C. M. Belshaw, of the Eleventh Senatorial District, for a period not to exceed six months.

Senate Concurrent Resolution No. 15—Relative to the consent of the Legislature to absence from the State of State Senator Louis Oneal, of the Thirty-first Senatorial District, for a period not to exceed twenty months.

And report that the same have been correctly enrolled, and presented the same to the Governor on this second day of March, 1901, at two o'clock and twenty-five minutes p. m.

Also: Have found the following bills correctly engrossed:

Senate Bill No. 119—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Senate Bill No. 232—An Act to amend Section 850 of the Code of Civil Procedure.

Committee Substitute for Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

Senate Bill No. 386—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to officers of the township.

Senate Bill No. 245—An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court.

Senate Bill No. 402—An Act making an appropriation to pay for an air compressor for the State Prison at Folsom.

Senate Bill No. 454—An Act making an appropriation to pay the reward offered by the Governor of the State of California and the claim therefor of W. A. Boyd and H. W. Randal for the arrest of Josef E. Blanthier for murder.

Senate Bill No. 461—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section two thousand four hundred and sixty, Political Code, relating to pilots, Pilot Commissioners, and pilotage.

Senate Bill No. 513—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Senate Bill No. 15—An Act to provide for the erection of a modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, and appropriating money therefor.

Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made.

Senate Bill No. 384—An Act making an appropriation of \$2,500, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to repair the boilers of the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Senate Bill No. 398—An act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: That they have examined and found the following bills correctly reengrossed:

Senate Bill No. 553—An Act to establish a State reform school for females under the age of eighteen years, and to make an appropriation therefor.

Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of any county, or city and county of this State, under the Act of 1895.

Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

Senate Bill No. 110—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

NELSON, Chairman.

Senate Bills Nos. 119, 232, 386, 245, 402, 454, 461, 513, 15, 483, 384, and 398, and Committee Substitute for Senate Bill No. 282 ordered on file for third reading.

Senate Bills Nos. 451, 432, and 110 ordered on file for passage.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day

of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Smith of Kern be and he is hereby permitted to introduce a bill, to be numbered 652.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Smith of Kern: Senate Bill No. 652—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fourth session of the Legislature.

Bill read first time, ordered to print and on file.

SPECIAL ORDER SET.

On motion of Senator Smith of Kern, consideration of Senate Bill No. 652 was made special order for Tuesday, March 5, 1901, immediately following the regular order after reports of standing committees.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set—being the consideration of Senate Constitutional Amendments Nos. 11, 15, and 16—having arrived, on motion of Senator Davis the same was postponed until Tuesday, March 5, 1901, immediately following special order already set after the regular order of reports of standing committees, and was therefore made special order for that date and hour.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Goad moved a reconsideration of the vote whereby Assembly Bill No. 289—An Act to regulate the establishment of and maintenance of public laundries and public washhouses in the cities and counties of the State—was on a previous day passed.

The roll was called, and motion to reconsider carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Lardner, Leavitt, Maggard, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—26.

NOES—Senators Welch and Wolfe—2.

Assembly Bill No. 289—An Act to regulate the establishment of and maintenance of public laundries and public washhouses in the cities and counties of the State.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 refused passage by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Caldwell, Currier, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Maggard, Nelson, Oneal, Shortridge, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—21.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Simpson, Assembly Bill No. 449—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts—was ordered recalled from committee and ordered on file, with the same committee recommendation given to Senate Bill No. 349, viz: "Do not pass."

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Senator Ashe moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line eight, the word "thirty"; also, strike out of the title the word "thirty," and in lieu thereof insert the word "forty," in both places.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco under the Act of 1895.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor.

Read third time on a previous day.

Senator Simpson moved that the bill be re-referred to Committee on Finance.

Motion lost.

At twelve o'clock and five minutes P. M., Hon. E. K. Taylor, State Senator from the Twenty-eighth Senatorial District, in the chair.

At twelve o'clock and twenty-three minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 553 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett,

Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—Senators Ashe, Lardner, and Simpson—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Laird gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 553 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 582—An Act making an appropriation for the propagation of steel-head trout in Humboldt County.

Senate Bill No. 366—An Act to authorize suits against the State concerning certain real property, and regulating the procedure therein.

Committee Substitute for Senate Bill No. 116—An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander.

Senate Bill No. 231—An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication and the taking of affidavit to be used in procuring the order for publication of summons.

Senate Bill No. 541—An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing a special purpose therefor, and prescribing the duties of Controller and Treasurer in relation thereto.

Senate Bill No. 540—An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Substitute for Senate Bill No. 167—An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District.

Senate Bill No. 436—An Act to amend an Act entitled "An Act authorizing Common Councils, Boards of Trustees, or other governing body of any incorporated city or town other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby.

And report that the same have been correctly enrolled, and presented the same to the Governor on this fourth day of March, 1901, at eleven o'clock and nine minutes A. M.

NELSON, Chairman.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter Davis, Devlin, Flint, Goad, Hoey, Lardner, Lukens, Maggard, Muenter, Nelson, Nutt Pace, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 618—An Act to provide for the building and furnishing of a cottage upon the grounds of Agnews State Hospital, and to appropriate money therefor.

Also: Adopted Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution by adding to Article IV thereof a new section, to be known as Section 25½, relating to the division of the State into fish and game districts.

Also: Passed Assembly Bill No. 879—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 618 read first time, and referred to Committee on Finance.

Senate Constitutional Amendment No. 18 ordered to enrollment.

Assembly Bill No. 879 read first time, and, on motion of Senator Flint, ordered on file without reference to committee.

At two o'clock and twenty minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

SUSPENSION OF RULES.

Senator Flint asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bill No. 879.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Flint:

Resolved, That Assembly Bill No. 879 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 879—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 879 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Lukens,

Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch and Wolfe—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 651—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of real property situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro Los Angeles & Salt Lake Railroad Company, for the purposes of a right of way and depot grounds for a steam railroad.

Also: Assembly Bill No. 505—An Act defining what moneys constitute the Contingent Fund of the California Home for the Care and Training of Feeble-Minded Children, and providing for the expenditures thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROWELL, Chairman

Senate Bill No. 651 and Assembly Bill No. 505 ordered on file for second reading.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 24—An Act making an appropriation to pay the claim of the American Type Founders' Company, as an assignee, for publishing the proposed constitutional amendments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Maggard, Muentner, Nelson, Nutt, O'Neal, Pace, Plunkett, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Passed on file.

Assembly Bill No. 588—An Act to amend Section 180 of the Penal Code of the State of California, approved February 10, 1899, relating to the bringing into State prisons, jails, reformatories, etc., opium, morphine, cocaine, or other narcotics, intoxicating liquors, firearms, etc.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 588 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Curtin, Davis, Goad, Greenwell, Hoey, Lardner, Leavitt, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage,

Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 407—An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof: providing for the insertion of certain stipulations in contracts for public works: imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1899.

Passed on file.

Assembly Bill No. 425—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, and cities and counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 425 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Maggard, Muentner, Nelson, Nutt, Owsen, Pace, Plunkett, Selvage, Shortridge, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senator Simpson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

At two o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Joint Resolution No. 14—Relative to the California Sequoia Grove.

Passed on file.

Assembly Bill No. 531—An Act to amend the Code of Civil Procedure by adding a new chapter to Title X of Part II thereof, to be numbered Chapter VII, embracing Sections 828 to 831g, inclusive, relative to actions for divorce.

During second reading of bill, the following amendments were submitted:

By the committee:

AMENDMENT No. 1.

Amend by inserting after the word "existence," in line sixty-nine, third page, printed bill, the words "of the fact of the marriage."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "divorce," in line seventy, third page, printed bill, the words "and the non-existence of any cause for denying the same."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "facts found," in line eighty-four, third page, printed bill, and inserting in lieu thereof the words "facts of the marriage and of a ground for divorce, and the non-existence of any cause for denying the same."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "not in default in the performance of any order of court made in the action," in lines ninety-six and ninety-seven, fourth page of printed bill

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "one year from entry of the said interlocutory decree," in lines ninety-five and ninety-six, fourth page, printed bill, and inserting in lieu thereof the words "on or after one year from the entry of the said interlocutory decree unless the same shall have been reversed on appeal, or a new trial of the action shall have been granted."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "if he seeks," in line one hundred and two, fourth page, printed bill, and inserting in lieu thereof the words "if he or she seek."

Amendment adopted.

By Senator Curtin:

Amend by striking out of Section 831, line four, the words "one year," and inserting the words "ninety days."

Amendment adopted.

Also:

Amend by striking out Section 829.

Amendment adopted.

Also:

Amend by adding before each numbered section the word "Sec."

Amendment adopted.

By Senator Selva:

Amend by striking out of Section 821f, line ninety-five, the words "one year," and inserting the words "six months."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Passed on file.

Assembly Bill No. 421—An Act making an appropriation of \$6,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating-room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 423—An Act making an appropriation of \$4,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to pay for constructing a concrete sidewalk along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

During second reading of bill, the following amendment was offered:

By Senator Muentzer:

Amend by striking out the word "immediately," in line one of Section 3, on page one of printed bill, and inserting in lieu thereof the words "from and after January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23. and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Passed on file.

Assembly Constitutional Amendment No. 11—Proposing to the people of the State of California that a new section be added to the Constitution, to be known and designated as Section 8 $\frac{1}{2}$, Article II thereof.

Passed on file.

Assembly Bill No. 683—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 683 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvaie, Shortridge, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—28.

NOES—Senators Ashe, Curtin, and Taylor—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 320—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 316—An Act to amend an Act entitled "An Act to provide for incorporation, operation, and management of coöperative associations," approved March 27, 1895.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "association," in line three, first page, printed bill, the following: "if the articles of incorporation so provided."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the comma following the word "membership," in line sixteen, first page, printed bill, the words "and an association organized under this Act may become a member in another such corporation."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 515—An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

During second reading of bill, the following amendments were submitted:

By the committee:

Amend by inserting after the word "insured," in line twelve, printed bill, the words "within one hundred feet, or by any risk other than a dwelling or private barn or out-building."

Amendment adopted.

By Senator Nutt:

Amend by inserting in Section 1, line six, after the words "of the county," and before the word "within," the words "or counties."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set, being the consideration of Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society—and the motion of Senator Leavitt to refer to Senator Tyrrell of Nevada, as a special committee of one, to amend as follows:

Amend by striking out of Section 3, line six, the following: "Said deed shall contain a condition that the land described in said deed shall be used exclusively for the purposes of the California State Agricultural Society, and shall not be devoted to other uses without the consent of said society"—

having arrived, the same was taken up.

At four o'clock and five minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

At four o'clock and fifteen minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society.

Read third time on a previous day.

The question being on the motion to appoint a special committee of one.

Senator Leavitt moved to refer to Senator Smith of Kern, as a special committee of one, to amend as follows:

Amend by striking out of Section 3, line six, the words "Said deed shall contain a condition that the land described in said deed shall be used exclusively for the purposes of the California State Agricultural Society, and shall not be devoted to other uses without the consent of said society."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society—with instructions to amend, respectfully reports the same back, amended as per instructions.

S. C. SMITH, Committee.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies—and the motion of Senator Laird to refer to Senator Tyrrell, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines seven and eight, the words "the cost of such examination shall be paid for by the insured"—

having arrived, the same was taken up.

Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

Read third time on a previous day.

The question then being on the motion to appoint a special committee of one to amend as follows:

Strike out of Section 1, lines seven and eight, the words "the cost of such examination shall be paid for by the insured."

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Oneal, Tyrrell of Nevada, and Tyrrell of San Francisco.

The roll was called, and motion lost by the following vote:

AYES—Senators Burnett, Corlett, Curtin, Hoey, Laird, Maggard, Nelson, Oneal, Pace, Plunkett, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—14.

NOES—Senators Ashe, Bettman, Byrnes, Cutter, Davis, Flint, Goad, Lardner, Leavitt, Lukens, Nutt, Selvage, Shortridge, Simpson, Sims, and Taylor—16.

Whereupon the President pro tem. declared the motion to appoint a special committee of one lost by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Hoey, Laird, Maggard, Nelson, Oneal, Pace, Plunkett, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—16.

NOES—Senators Ashe, Bettman, Curtin, Cutter, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Lukens, Nutt, Rowell, Selvage, Shortridge, Sims, and Taylor—17.

Senator Cutter moved the previous question.

The question being, "Shall the main question be now put?"

The same was lost.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 640 passed by the following vote:

AYES—Senators Ashe, Caldwell, Corlett, Curtin, Cutter, Davis, Goad, Hoey, Laird, Lardner, Leavitt, Maggard, Muentner, Nelson, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Wolfe—24.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Devlin, Flint, Greenwell, Lukens, Nutt, Oneal, Shortridge, Taylor, and Tyrrell of San Francisco—14.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 640 was this day passed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 9—An Act adding sixteen new sections to the Political Code, to be numbered, consecutively, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, and

1381, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.

Also: Senate Bill No. 16—An Act to amend Section 1186 of the Political Code, relating to conventions.

Also: Senate Bill No. 20—An Act to carry into effect the provisions of Section 11½ of Article II of the Constitution, concerning primary elections, by repealing Sections 1186, 1187, 1189, 1192, 1193, and 1357 to 1380, both inclusive, of the Political Code, and adding certain new sections to said Political Code in lieu thereof.

Also: Senate Bill No. 28—An Act adding fourteen sections to the Political Code, to be numbered 1357 to 1370, both inclusive, pertaining to primary elections, providing for and regulating the election of delegates thereat to nominating conventions in certain counties and cities, and the City and County of San Francisco.

Also: Senate Bill No. 29—An Act adding a section to the Political Code to be numbered 1171, relating to the submission to popular vote and adoption in certain counties and cities, and in all towns, of the provisions of Sections 1357 to 1370, both inclusive, of the Political Code, requiring the election of delegates to nominating conventions at primary elections.

Also: Senate Bill No. 30—An Act repealing Sections 1357 to 1380 of the Political Code, relating to primary elections.

Also: Senate Bill No. 32—An Act to amend Section 1186 of the Political Code, relating to conventions.

Also: Senate Bill No. 33—An Act adding a section to the Political Code, to be numbered 1186½, relating to party conventions.

Also: Senate Bill No. 34—An Act to amend Section 1188 of the Political Code, pertaining to the nomination of candidates for public office by petition.

Also: Senate Bill No. 40—An Act to amend Sections 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380 of the Political Code of the State of California, and to add seven new sections thereto, to be numbered, respectively, Sections 1381, 1382, 1383, 1384, 1384½, 1384¾, and 1384½, providing for the election of delegates to conventions of political parties at elections known and designated as primary elections.

Also: Senate Bill No. 247—An Act adding eighteen new sections to the Political Code, to be numbered, consecutively, 1357 to 1374, both inclusive, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections, and repealing all Acts inconsistent therewith, and also repealing Sections 1118 and 1119, and Sections 1357 to 1380, both inclusive, of the Political Code.

Also: Senate Bill No. 425—An Act concerning and providing for primary elections, and the time and manner of holding the same, and providing for the election of delegates to conventions of political parties, at elections to be known and designated as primary elections, prescribing the qualifications of voters thereat, specifying where and when this Act shall be in force, and the procedure thereunder, and also prescribing penalties for violations thereof and repealing all Acts inconsistent therewith, also repealing Sections 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380 of the Political Code.

Also: Senate Bill No. 426—An Act providing for primary elections, and the time and manner of holding the same, wherever the Act known and designated as "The Primary Law of 1901" is not in force.

Also: Senate Bill No. 433—An Act adding fifteen new sections to the Political Code, to be numbered, consecutively, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections, within counties and municipal corporations of the first, second, third, fourth, fifth, sixth classes, and in any consolidated city and county within this State.

Also: Senate Bill No. 593—An Act to amend the Political Code of the State of California, relating to elections, by adding thereto a new section.

Have had the same under consideration, and recommend that they be withdrawn by their authors, and that a bill accompanying this report be introduced, and do pass.

DEVLIN, Chairman.

Senate Bills Nos. 9, 10, 20, 28, 29, 30, 32, 33, 34, 40, 247, 425, 426, 433, and 593 withdrawn and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Devlin:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that the Committee on Elections be and it is hereby permitted to introduce a bill, to be numbered 653.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Committee on Elections: Senate Bill No. 653—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Sections 1186, 1187, and 1188 of said Political Code, relating to political conventions, nominations, and political committees.

Bill read first time, ordered to print and on file.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Also: Senate Bill No. 406—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Yolo and Sacramento counties the fortieth district.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 7?"

ASSEMBLY AMENDMENT.

Amend by striking out the period after the word "year," in line ten of Section 7, page three of the amended printed bill, and inserting in lieu thereof a comma and the following words: "*and provided further*, that the part of said appropriation to be available in the fifty-fourth fiscal year shall not be used until there shall be made to the Governor by the said commissioners a satisfactory report, with maps attached, of their operations during the preceding fiscal year, and the Governor shall certify to the Controller the fact of his having received such satisfactory report"; and after the word "them," in line seven of Section 4 of the printed bill, insert the following, viz: "The said commissioners shall annually on the first day of September report fully to the Governor, setting forth in detail the work done and projected during the preceding year, with such recommendations for carrying into effect the purposes of this Act as to them seem best."

The roll was called, and the Assembly amendment to Senate Bill No. 7 concurred in by the following vote:

AYES—Senators Belshaw, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Maggard, Oneal, Rowell, Selvage, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—None.

Senate Bill No. 7 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 406?"

ASSEMBLY AMENDMENTS.

Amend the title by adding at the end thereof the following: "Lake County the Twelfth District, and Mendocino the Forty-fifth District."

Also: Amend by striking out the words "Counties of Lake and Mendocino," in line thirty-two, second page, printed bill, and inserting in lieu thereof the words "County of Lake."

Also: Amend by inserting after line ninety-nine, on first page, the following: "The County of Mendocino shall constitute Agricultural District No. 45."

The roll was called, and Assembly amendments to Senate Bill No. 406 concurred in by the following vote:

AYES—Senators Belshaw, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Rowell, Selvage, Simpson, Smith of Kern, Taylor, and Wolfe—21.

NOES—None.

Senate Bill No. 406 ordered to enrollment.

RECESS.

At the hour of four o'clock and forty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, and Tyrrell of Nevada—28.

LEAVE OF ABSENCE.

Senator Caldwell was granted a leave of absence for the balance of the day, on motion of Senator Leavitt.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 620—An Act making an appropriation to pay the claim of the County of Marin against the State.

Senate Bill No. 16—An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville of this State, and making an appropriation therefor.

Senate Joint Resolution No. 9—Relating to the improvement of Oakland Harbor.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 4th day of March, 1901, at two o'clock and twenty minutes P. M.

Also: That they have examined and found the following bill correctly engrossed:

Senate Bill No. 627—An Act to authorize and empower the State Board of Prison Directors to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold.

NELSON, Chairman.

Senate Bill No. 627 ordered on file for third reading.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 93—An Act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State—have

had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BYRNES, Chairman.

Assembly Bill No. 93 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Assembly Bill No. 764 (Substitute for Assembly Bill No. 120)—Entitled "An Act to revise the Penal Code of the State of California by amending certain sections, repealing others, and adding certain new sections"—have had the same under consideration, and hereby report the same back, and recommend that it do pass as amended.

SELVAGE, Chairman.

Assembly Bill No. 764 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 615—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the distribution of its proceeds," approved March 23, 1893, and amended by an Act approved March 9, 1895, and further amended by an Act approved March 9, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ONEAL, Chairman.

Senate Bill No. 615 ordered on file for second reading.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Section 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—having arrived, on motion of Senator Cutter the same was postponed until Tuesday, March 5, 1901, at eight o'clock p. m., and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Senator Bettman moved that the Senate now proceed with the consideration of Special File of Senate Bills.

The question being on the motion to consider Special File of Senate Bills.

The roll was called, and motion carried by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senators Belshaw, Davis, Pace, and Rowell—4.

Assembly Bill No. 556—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 556 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senator Smith of Kern—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 392—An Act concerning, confirming, and ratifying leases and other contracts made by any officer or boards of officers of this State.

Passed on file.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 609—An Act to define express companies and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Passed on file.

Senate Bill No. 15—An Act to provide for the erection of a modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 15 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Oneal, Pace, Rowell, Selvage, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Curtin, Cutter, Devlin, Greenwell, Hoey, Laird, Leavitt, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senators Belshaw, Davis, Goad, Lardner, Lukens, Muentner, Smith of Kern, and Taylor—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 432 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Currier, Davis, Devlin, Flint, Hoey, Laird, Leavitt, Lukens, Nelson, Nutt, Oneal, Plunkett, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—Senators Burnett, Cutter, Maggard, Rowell, Shortridge, and Tyrrell of Nevada—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Currier, Curtin, Davis, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch and Wolfe—25.

NOES—Senators Devlin, Lukens, and Taylor—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At nine o'clock P. M., on motion of Senator Bettman, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, March 5, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentert, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Monday, March 4, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, February 28, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Simpson was granted leave of absence for the day, on motion of Senator Smith of Los Angeles.

Senator Caldwell was granted leave of absence for the day, on motion of Senator Belshaw.

PETITIONS.

The following petitions were presented by Senator Tyrrell of Nevada, and ordered printed in the Journal:

To the HON. J. R. TYRRELL, Senator representing Senatorial District No. 3:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that, if passed by the Legislature, each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end it may not become a law.

W. Angwin, B. F. Snell, E. J. Morgan, James Andrew, John Dellridge, C. R. Murchie, G. W. Baldwin, B. E. Baldwin, James Bovey, John H. Polkinghorn (of Nevada City), and 217 more names.

Also:

NEVADA CITY, CAL., February 18, 1901.

To Mr. J. R. TYRRELL, Sacramento, Cal.:

DEAR SIR: At a meeting of Laurel Parlor No. 6, N. D. G. W., a resolution was unanimously adopted favoring legislation looking to the preservation of the redwood forests of California, which have added fame to State pride and protection.

We, the committee appointed by the parlor, most earnestly ask your hearty coöperation and support, in the name of every member of the parlor, of measures presented for the creation of a California Redwood Park.

You, as the representative of the people of this district, will confer an everlasting favor by lending your aid and influence in having the bill passed and signed.

Very truly,

MRS. BELLE DOUGLASS.
MRS. J. V. SNYDER.
MISS MINNIE BRAND.

COMMUNICATION.

The following communication, addressed to the President of the Senate, was received and read, and ordered printed in the Journal:

LOS ANGELES, CAL., February 28, 1901.

To HON. JACOB H. NEFF, President of Senate, Sacramento, Cal.:

DEAR SIR: Herewith is inclosed a copy of a memorial presented to and adopted by a general bar meeting held in this city this February 28, 1901, in honor of the life and character of the late Stephen Mallory White, formerly a State Senator and Lieutenant-Governor of the State of California.

These resolutions are sent to you as the presiding officer of the Senate, in pursuance of the recommendation of the memorial committee, authorized by the vote of the bar meeting.

Yours respectfully,

R. H. F. VARIEL,
President Los Angeles Bar Meeting.

Attest: EDWIN A. MESERVE,
Secretary Los Angeles Bar Meeting.

IN MEMORIAM.

The symbol of the broken column, typifying the untimely death of a strong man, stricken down in the zenith of his power and fame, in the midst of his splendid usefulness, was never more strikingly applicable than in the death of the distinguished man who has just passed away.

Never since the golden sun of the Occident flamed bright and beckoning upon the flag of our country has any of her notable sons attained to the commanding eminence which is with common thought accorded to the character and achievements of Stephen Mallory White.

The stock from which he sprung has produced many eminent men. California, too, can boast of a long line of illustrious dead. But none of these may justly claim a better

right than he to enduring fame—to have his name emblazoned in letters of ineffaceable light upon the very foundations of the Capitol itself. And in our State Pantheon, his must ever be an honored place.

Born and reared not in poverty, and yet with none of the adventitious aids of fortune or of inherited wealth or position, he achieved—by force of his indomitable genius and his rugged, masterful strength of character, and within those early years when many men of genius are yet struggling for recognition—an honorable career that well may challenge the admiration of the world.

We first behold him a young attorney at this bar, where he took his modest place, an untried, unknown, unheralded man, in April, 1875. Not long did he remain obscure, for soon we behold him discharging, with brilliant ability and success, the duties of District Attorney of this county.

And then a new star rose rapidly in the West.

Richly endowed with all those gifts which go to make the successful lawyer, the great orator, he sought with the most untiring diligence and effort, and the most exhaustive labor, to perfect his superb powers. And soon he became known as a finished lawyer, a powerful advocate, a forensic gladiator, of the first ability.

We next behold him valiantly battling, with not less marked distinction, on the uncertain field of politics; and successively he rose to preside over a State and then a National convention of his party, to be a State Senator, a Lieutenant-Governor, and then a Senator of the United States.

In all these large public relations, he always rose to the demands of every occasion, and never failed to wield a powerful influence for what was right and just, according to his own convictions; and even from his opponents he always commanded the most profound attention and respect.

His most eminent characteristic lay in his power to influence deliberative bodies, and he reached the highest expression of this great gift during his career in the United States Senate. His record there is part of the imperishable history of that illustrious body, and not soon will the renown which he there achieved be covered by the silence of oblivion.

In politics he early espoused the Democratic faith, and was always loyal to his professions.

His views upon great national questions, however, were never unduly colored by partisan prejudice, but were rather tempered by a wise and calm conservatism that always gave his counsel great weight. On more than one occasion he led a forlorn hope to certain defeat rather than surrender his convictions. He was the friend of the people in his endeavors to preserve unimpaired the purity of the ballot and to compel the practice of clean methods in politics and legislation. While he was nowise hostile to, or prejudiced against, organized capital or wealth in any form, nevertheless he firmly believed above all things in the supremacy of the law, and the right of the people to govern themselves according to the will of the majority when constitutionally expressed, and especially in the right of every citizen to pursue his own true and substantial happiness so far as consistent with the equal and just rights of others before the law. He was the steadfast foe of fraud, force, and violence, in whatever guise presented—whether expressed through the machinations of the political machine or the corrupt or insidious use of wealth or place, or whether manifested through what he considered the insolent aggressions of great corporate influence or the unjustifiable extensions of the large powers of government.

As an orator at the bar, before a jury, on the stump, before a convention, or in the halls of legislation, he was matchless—irresistible. With a fine-toned, sympathetic, far-reaching voice that ever rang true and sincere, and speaking ever from profound convictions that were the result of earnest thought and study, he always commanded large and appreciative audiences.

He was a man of great public spirit, and he believed that public office was a public trust; and a leading thought with him always, in every public station, and, indeed, throughout his private career, was the general welfare of the public. Not soon will the people of the West find another such champion to speak for them, or who will pour forth the rich treasures of his mind in such unstinted measure, or with such force or power, or such disregard of self.

But while we may appropriately dwell with admiration upon those striking qualities which enabled him to achieve success on the larger fields of action, it is of more consequence for us to record that our departed brother was, above all, a man of the highest integrity and honor in all the relations of life. He never stooped to win success, place, or power by any indirection. He never corrupted, and he was incorruptible. He was sunny, genial, affable, approachable—a loyal, generous friend; a courteous, honorable foe.

In his intercourse with his brethren of the bar he was manly, kind, and considerate. Before the court he was modest and courteous, but withal marked by a dignity that stamped him with the seal of greatness. He always sought to be right, he always reasoned honestly, and never did he willfully pervert his great powers before either judge or jury in the endeavor to deceive the one or mislead the other that injustice or wrong might knowingly be done.

It is to be deplored that more complete transcripts of his many great speeches have not been preserved. What was greatest in them could not be written, and has passed away with the man. But they are not forgotten, and the recollection of their striking brilliance will long be cherished and preserved—with the fragrant memory of his many virtues as lawyer and man, as citizen and friend—as among the most valued traditions of this bar.

The same fine spirit of duty, chivalry, and devotion which marked his public and professional career adorned his private life and beautified his domestic relations.

To his family he leaves the priceless memory of his devotion and protection; to his friends, the recollection of his loyalty and truth; to his brethren of the bar, an example of professional achievement worthy of all imitation; to his home and country the heritage of many good works wrought in their behalf; and to all struggling, ambitious young men everywhere, he leaves the record of a career which unmistakably demonstrates the mighty truth that a deserving, capable man may yet confidently aspire in this age, mercenary though it be, and that he can surely win the highest professional and political distinction without departing from the path of rectitude or the practice of common honesty.

To use his own last words:

"The evidence is all in, the case is submitted."

Great lawyer, great man, great citizen, great soul, farewell!

Wherefore, brethren of the bar of Los Angeles, your committee appointed in General Bar Meeting assembled, desiring only to express a true estimate of the character and worth of our departed brother, without attempting any detailed review of the events of his notable life-work, have prepared this memorial and submit it for your approval, with the suggestion that it be further noted so as to be a part of this record:

That our departed brother, Stephen Mallory White, was born January 19, 1853, at San Francisco, State of California, and that he died February 21, 1901, in the City of Los Angeles.

We recommend that an engrossed and signed copy of this memorial be furnished to his family and to his mother, that copies be given to the press, and that a copy be presented to each of the Federal and Superior courts in this city by members of the bar, to be selected by your honorable body, with the request that it be transcribed at length upon the minutes; and that copies be furnished to the State Supreme Court, the State Senate, and to the Senate of the United States.

Los Angeles, Cal., February 28, 1901.

HENRY T. GAGE,

Governor of California.

ERSKINE M. ROSS,

U. S. Circuit Judge Ninth Circuit.

OLIN WELLSBORN

U. S. District Judge, Southern District, California.

LUCIEN SHAW,

Judge of Superior Court Los Angeles County.

JOHN D. BICKNELL

J. S. CHAPMAN,

GEORGE J. DENIS,

R. F. DEL VALLE,

ROBERT N. BULLA,

H. W. O'MELVENY,

CHARLES MONROE

R. H. F. VARIEL,

Members of the Bar.

BILL RECALLED FROM ASSEMBLY FOR PURPOSE OF CORRECTION.

On motion of Senator Luchsinger, the Secretary was directed to recall Senate Bill No. 471—An Act to establish police courts in cities of the third class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof—for purpose of correction.

WITHDRAWAL OF BILL.

Senator Curtin asked unanimous consent to withdraw Senate Bill No. 421—An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water.

Consent granted.

Bill withdrawn and ordered stricken from the file.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 360—An Act requiring corporations

organized under the laws of another State, Territory, or foreign country to file a certified copy of their articles of incorporation in the office of the Secretary of State, and a certified copy thereof, duly certified by the Secretary of State of this State, in the office of the County Clerk of the county where its principal place of business is located, and also where such corporation owns property, and requiring such corporation to pay to the Secretary of State the same fees as are paid by corporations formed under the laws of the State of California, and providing for a penalty for the violation of the provisions of this Act.

Also: Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Also: Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Also: Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Also: Passed Senate Bill No. 260—An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School at San Diego, and making an appropriation therefor.

Also: Passed Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered Section 1975, relating to the proof of proceedings of municipal corporations.

Also: Committee Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

Also: Passed Assembly Bill No. 207—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Also: Passed Assembly Bill No. 814—An Act creating the office of matron of the jail or prison in and for cities and towns having a population of over 20,000 wherein official matrons or their duties are not now provided for by law, defining the duties and powers, and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Also: Passed Assembly Bill No. 189—An Act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

Also: Passed Assembly Bill No. 520—An Act to amend the Political Code by amending Section 2636 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 560?"

Amend by adding after Section 3 the following: "provided, that any corporation described in Section 1 of this Act which is now doing business in this State, and which has complied with the Act in relation to foreign corporations, approved April first, eighteen hundred and seventy-two, and an Act amendatory thereof, approved March seventeenth, eighteen hundred and ninety-nine, is exempted from the provisions of this Act."

Also: Insert after the word "incorporations," in line six of Section 1, the following: "or of their charters or of the statutes or legislative or executive or governmental Act creating them in cases where they are created by charters or statutes or legislative or executive or governmental Acts."

The roll was called, and Assembly amendments to Senate Bill No. 560 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Plunkett, Rowell, Salvage, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

Senate Bill No. 560 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 118?"

Amend by striking out the word "immediately," in line one, Section 3, and inserting in lieu thereof the words "after January first, nineteen hundred and two."

The roll was called, and Assembly amendment to Senate Bill No. 118 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Devlin, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt,

Pace, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—29.
NOES—None.

Senate Bill No. 118 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 407?"

AMENDMENT No. 1.

Amend Senate Bill No. 407 by striking out all of the first two lines on page one of printed bill, and inserting in lieu thereof the following:

"SECTION 1. Section one of an Act entitled 'An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March fourteenth, eighteen hundred and eighty-one, and certain Acts amendatory thereof, approved March nineteenth, eighteen hundred and eighty-nine, and March thirty-first, eighteen hundred and ninety-one, approved March thirty-first, eighteen hundred and ninety-seven,' is hereby amended to read as follows: "

AMENDMENT No. 2.

Amend in line ten, page two of printed bill, by striking out the word "commissioner," and inserting in lieu thereof the word "commission."

AMENDMENT No. 3.

Amend in line twelve, page two of printed bill, by striking out the word "may" and inserting in lieu thereof the word "shall."

AMENDMENT No. 4.

Amend in line thirteen, page two of printed bill, by striking out the words "Horticultural Commissioner," and inserting in lieu thereof the words "Board of Horticultural Commissioners, consisting of three members, unless otherwise provided for by the law relating to such county."

AMENDMENT No. 5.

Amend in line fifteen, page two of printed bill, by striking out the words after "commissioner," and inserting in lieu thereof the following: "Upon the petition of twenty-five freeholders and possessors of an orchard, the Board of Supervisors may remove any of said commissioners for cause after a hearing of the petition."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 407 by the following vote:

AYES—None.

NOES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—25.

Whereupon the Secretary was directed to inform the Assembly that the Senate refused to concur in Assembly amendments to Senate Bill No. 407, and to request the Assembly to recede from same.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 298?"

Insert after the word "upon," in line fourteen of the printed bill, the words "the Governor and."

The roll was called, and Assembly amendment to Senate Bill No. 298 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—28.

NOES—None.

Senate Bill No. 298 ordered to enrollment.

Senate Bills Nos. 260 and 46 and Committee Substitute for Senate Bill No. 216 ordered to enrollment.

Assembly Bill No. 207 read first time, and referred to Committee on Finance.

Assembly Bill No. 814 read first time, and, on motion of Senator Taylor, ordered on file without reference to committee.

Assembly Bill No. 189 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 520 read first time, and referred to Committee on Highways.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 72—An Act to amend Section 1665 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools—have had the same under consideration, and respectfully report the same back without recommendation.

LARDNER, Chairman.

Assembly Bill No. 72 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 472—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor.

Also: Assembly Bill No. 565—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 249—An Act to provide for the location, construction, and maintenance of a State highway connecting the highway system of Santa Barbara County with the highway system of Kern County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation.

S. C. SMITH, Chairman.

Assembly Bills Nos. 472, 565, and 249 ordered on file for second reading.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Assembly Bill No. 506—An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to Committee on Prisons.

Also: Assembly Bill No. 737—An Act making an appropriation of \$2,500 to be used by the Board of Managers of the Stockton State Hospital at Stockton to repair the boilers in the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 313—An Act to amend Subdivision 2 of Section 1, Article III, of an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

ROWELL, Chairman.

Senate Bill No. 313 and Assembly Bill No. 737 ordered on file for second reading.

Assembly Bill No. 506 referred to Committee on Prisons.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set—being the consideration of Senate Constitutional Amendments Nos. 11, 15, and 16—having arrived, on motion of Senator Davis the same was post-

poned until Wednesday, March 6, 1901, immediately following special order already set after the regular order of reports of standing committees, and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set for this hour, being consideration of Senate Bill No. 652—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fourth session of the Legislature—having arrived, the same was taken up.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That Senate Bills Nos. 652 and 651 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Pace, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 652—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fourth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 652 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, to sell and convey a strip of real property to the San Pedro, Los Angeles & Salt Lake Railroad Company for a right of way.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 651 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Lukens, further consideration of Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof and adding certain sections thereto—was made special order for this day at three o'clock and thirty minutes P. M.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 392—An Act concerning, confirming, and ratifying leases and other contracts made by any officer or boards of officers of this State.

Passed on file.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 609—An Act to define express companies, and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Passed on file.

Senate Bill No. 110—An Act to enforce the rights of children, and providing penalties for violation of the Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 110 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Pace, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Senator Wolfe moved to refer to Senator Sims, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line eight, the word "seventy," and inserting the word "sixty-five."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California—with instructions to amend, respectfully reports the same back, amended as per instructions.

SIMS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 537—An Act to amend Section 3519 of the Political Code of the State of California, relating to swamp and overflowed land.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 562—An Act entitled "An Act to amend an Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto, enlarging the powers of boards of directors of such districts.

During second reading of bill, the following amendments were offered by Senator Tyrrell of Nevada:

Amend Section 1, line ten of the printed bill, by inserting after the word and figures "Section 15½" the following: "The board of directors, when they deem it advisable for the best interests of the district and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions and election precincts of the district; *provided*, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Said change of boundaries of the divisions must be shown on the minutes of the board."

Amendment adopted.

Also:

Amend Section 1, line twelve, page two of the printed bill, by inserting the word "also" before the word "have."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 595—An Act to build and provide for the furnishing of a cottage upon the grounds of Agnews State Hospital, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 355—An Act providing for the submission and enactment of ordinances by the direct vote of the qualified voters of counties, cities, and towns.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 300—An Act to amend Section 305 of the Civil Code, relating to corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 384—An Act making an appropriation of \$8,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 384 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal.

Plunkett, Rowell, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 404—An Act making an additional appropriation for the support and maintenance of the State Normal School at San José, Santa Clara County, California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "support and maintenance," in the title, first page, printed bill, and inserting in lieu thereof the words "repairing, renovating, and improving the buildings and grounds."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "forty," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "immediately," in line one, Section 3, first page, printed bill, and inserting in lieu thereof the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 285—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties, in the State."

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out Sections 4 and 5, on seventh, eighth, ninth, and tenth pages, printed bill, and three lines on page eleven.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 332—An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

During second reading of bill, the following amendments were offered by Senator Lardner:

On page one, Section 1, line three, strike out the words and figures "thirty-six thousand (\$36,000) dollars," and insert in lieu thereof the words and figures "twenty-five thousand (\$25,000) dollars."

Amendment adopted.

Also:

On page two, Section 3, lines three and four, strike out the word "immediately," and insert in lieu thereof the following: "on and after January first, nineteen hundred and two."

Amendment adopted.

Also:

On page two, Section 3, line four, strike out the words and figures "thirty-three thousand (\$33,000) dollars," and insert in lieu thereof the following: "twenty-two thousand (\$22,000) dollars."

Amendment adopted.

Also:

On page two, Section 3, line six, strike out the word "one," and insert in lieu thereof the word "two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

During second reading of bill, the following amendment was offered by Senator Maggard:

Amend Section 1, line four, by inserting, after the word "Section," the figures "345."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 546—An Act to declare the Alturas and Lakeview Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, wood-working and carpenter shop, and for the necessary machinery for equipping and operating the same at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words and figures "twelve thousand (\$12,000)," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the words and figures "six thousand (\$6,000)."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "immediately," in line one, Section 3, first page, printed bill, and inserting in lieu thereof the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 232—An Act to amend Section 850 of the Code of Civil Procedure.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 232 passed by the following vote:

AYES—Senators Byrnes, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Laird, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Plunkett, Rowell, Selva, Shortridge, Sims, Taylor, Tyrrell of San Francisco, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water-front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners, approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "twenty-six," in line nine, first page, printed bill, and inserting in lieu thereof the word "twenty-sixth."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "fifteen," in line four, Section 1, first page, printed bill, and inserting in lieu thereof the word "fifteenth."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 549—An Act to amend Sections 7 and 8 of the Civil Code of the State of California, relating to legal holidays.

During second reading of bill, the following amendment was offered by Senator Flint:

On page one, Section 1, strike out the words "Lincoln's birthday," in line six; "Washington's birthday," in line seven; "Decoration day," in line eight; "Independence day," in line eight; "Admission day," in line nine; "Labor day," in line ten; "Christmas day," in line eleven.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 550—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to legal holidays.

During second reading of bill, the following amendment was offered by Senator Flint:

On page one, Section 1, strike out the words "Lincoln's birthday," in line six; "Washington's birthday," in line seven; "Decoration day," in lines seven and eight; "Independence day," in line eight; "Admission day," in line nine; "Labor day," in line ten; "Christmas day," in line eleven.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 551—An Act to amend Sections 10, 11, and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days.

During second reading of bill, the following amendment was offered by Senator Flint:

On page one, Section 1, strike out the words "Lincoln's birthday," in line six; "Washington's birthday," in line seven; "Decoration day," in line eight; "Independence day," in line eight; "Admission day," in line nine; "Labor day," in line ten; "Christmas day," in line eleven.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 627—An Act to authorize and empower the Board of Directors of San Quentin State Prison to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Sims, and Tyrrell of San Francisco—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463—An Act to amend Section 3819 of the Political Code of the State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by adding to the title the words "relating to revenue and taxation," and placing a comma instead of a period after the word "California."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding the words "of the Political Code," in line two, Section 1, first page, printed bill, before the word "is."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

During second reading of bill, the following amendment was offered by Senator Taylor:

Amend Section 1, line five, by inserting after the word "shall," in line five, page one, printed bill, the words "upon demand of the Game Commissioner, or some one designated by him."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenster, Nelson, Pace, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—26.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—SECOND AND THIRD READING OF BILLS.

Senator Belshaw moved that Special File of Assembly Bills be considered in regular order, beginning this day with the bill that would have been next considered yesterday at the expiration of time allotted for consideration of the file.

The question being on the motion.

The ayes and noes were demanded by Senators Belshaw, Davis, and Welch.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Corlett, Currier, Hoey, Lardner, Leavitt, Maggard, Nelson, Smith of Los Angeles, Taylor, and Welch—11.

NOES—Senators Bettman, Burnett, Cutter, Davis, Flint, Goad, Luchsinger, Nutt, Shortridge, Smith of Kern, Tyrrell of Nevada, and Wolfe—12.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Lukens:

Resolved, That the Special File of Assembly Bills be classified as follows: (1) "Assembly Bills on Third Reading," and (2) "Assembly Bills on Second Reading," and that each day the Assembly bills on third reading be considered first—Assembly constitutional amendments to be considered a part of third-reading file.

Resolution read and adopted.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED)—SECOND AND THIRD READING OF BILLS.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Passed on file, and ordered to foot of file.

Assembly Bill No. 407—An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof: providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1899.

Passed on file, and ordered to foot of file.

ASSEMBLY JOINT RESOLUTION No. 14.

Relative to the Calaveras Sequoia Grove.

WHEREAS, The Senate of the United States has recently passed an Act having for its object the purchase or condemnation of the Calaveras Sequoia Grove, which Act is now under consideration by the House of Representatives;

WHEREAS, Destruction of said grove is threatened and imminent;

WHEREAS, The said grove is of incalculable historical, scientific, and scenic value, not only to California, but to the United States and the world at large;

WHEREAS, The people and Government of the State of California are ready and willing to do their full share toward the preservation of said grove as a park and public resort for nature-study and pleasure; and

WHEREAS, We feel fully justified in so doing because of the known desires of the people we represent; therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That we pledge the Government and people of the State of California, in the event of the passage by Congress of an Act making an appropriation for the purchase or condemnation of the Calaveras Sequoia Grove, to assume the management and expense of the maintenance and protection thereof.

Resolved, That our Senators are instructed and our Representatives in Congress are requested to assure the Congress of the United States that the State of California will assume such management and expense and make all necessary appropriations therefor.

Resolved, That His Excellency Henry T. Gage, Governor of California, is hereby requested to telegraph a copy of these resolutions to Hon. Thomas R. Bard, United States Senator from California, for presentation to the Senate and House of Representatives and the Members of the Congress at Washington.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Curtin, Cutter, Davis, Goad, Laird, Lardner, Leavitt, Luchsinger, Maggard, Oneal, Plunkett, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—23.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Assembly Bill No. 531—An Act to amend the Code of Civil Procedure by adding a new chapter to Title X of Part II thereof, to be numbered Chapter VII, embracing Sections 828 to 831*g*, inclusive, relative to actions for divorce.

Passed on file.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Passed on file, and, on motion of Senator Leavitt, to retain place on file.

Assembly Bill No. 421—An Act making an appropriation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for the purchasing of the necessary machinery and equipment and the construction of an ice-manufacturing plant and refrigerating-room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 421 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 423—An Act making an appropriation of \$4,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 423 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Cutter, Davis, Goad, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23.

and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Passed on file, and ordered to foot of file.

Assembly Constitutional Amendment No. 11—Proposing to the people of the State of California that a new section be added to the Constitution, to be known and designated as Section 8 $\frac{1}{2}$, Article II thereof.

Passed on file, and ordered to foot of file.

Assembly Bill No. 320—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 320 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Goad, Hoey, Lardner, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—24.

NOES—Senator Bettman—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Smith of Kern gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 320 was this day finally passed.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Laird, his motion to reconsider the vote whereby Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor—was on a previous day passed, was postponed until next legislative day.

Assembly Bill No. 316—An Act to amend an Act entitled "An Act to provide for incorporation, operation, and management of coöperative associations," approved March 27, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 316 refused passage by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Cutter, Hoey, Lukens, Maggard, Nelson, Pace, Plunkett, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—14.

NOES—Senators Corlett, Currier, Davis, Flint, Goad, Laird, Oneal, Rowell, Shortridge, Smith of Kern, Tyrrell of Nevada, and Wolfe—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Currier gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 316 was this day refused passage.

Assembly Bill No. 515—An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 515 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Pace, Plunkett, Rowell, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—24.

NOES—Senators Bettman, Nelson, and Shortridge—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504—An Act to amend Section 330 of the Penal Code. During second reading of bill, the following amendments were submitted:

By the committee:

Amend by inserting after the word "device," in line eight, Section 1, first page, printed bill, the words "played for money, or checks payable in money."

Amendment lost.

By Senator Shortridge:

Amend by striking out of Section 2, line two, the words "its passage," and inserting the following: "January first, nineteen hundred and two."

Amendment lost.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 503—An Act making an appropriation of \$750 to pay deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest. [Recommended by Board of Examiners.]

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "from and after its passage," in line one, Section 2, first page, printed bill, and inserting in lieu thereof the following: "the first day of January, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print and third reading.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced:

By Senator Leavitt: Senate Concurrent Resolution No. 18—Relative to setting aside a day for consideration of Assembly bills in the Senate and Senate bills in the Assembly.

SUSPENSION OF RULES.

Senator Leavitt asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Concurrent Resolution No. 18.

SENATE CONCURRENT RESOLUTION No. 18.

Resolved by the Senate, the Assembly concurring, That Friday, March 8, 1901, be set aside for the consideration of Assembly bills now in the Senate, and Senate bills now in the Assembly; *provided, however,* that if either body conclude the file of the other house before the time of adjournment is reached, such body may proceed to consider its own bills.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Rowell, Selvage, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco--27.

NOES—None.

Senate concurrent resolution ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set—being the consideration of Senate Bill No. 650—having arrived, the same was taken up.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

During second reading of bill, the following amendments were offered:
By Senator Lukens:

On page two, immediately before the word and figure "Sec. 2," Section 2, line one, insert the following: "Sec. 2. Section 54."

"Section 54. No person is eligible to an elective county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the State, and an elector of the county, district, or township in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, a citizen of the State, and a resident of the county or district, shall be eligible to the office of superintendent of public schools, school trustee, or member of the county board of education; *and provided further*, that no person shall hereafter be eligible to the office of district attorney who has not been admitted to practice in the supreme court of the State of California."

Amendment adopted.

Also:

On page two, Section 2, strike out all of Section 2.

Amendment adopted.

Also:

On page two, Section 2, line one, strike out the figure "2" after the word "Sec.," and insert in lieu thereof the figure "3."

Amendment adopted.

Also:

On page three, Section 3, line one, strike out the figure "3" after the word "Sec.," and insert in lieu thereof the figure "4."

Amendment adopted.

Also:

On page three, Section 4, line one, strike out the figure "4" between the words "Sec.," and "Section," and insert in lieu thereof the figure "5."

Amendment adopted.

Also:

On page four, Section 5, line one, strike out the figure "5" between the words "Sec.," and "Section," and insert in lieu thereof the figure "6."

Amendment adopted.

Also:

On page nine, Section 6, strike out the whole of said Section 6.

Amendment adopted.

Also:

On page fifteen, Section 7, line two hundred and eighteen, strike out the figures "11½," and insert in lieu thereof the figures "12."

Amendment adopted.

Also:

On page fifteen, Section 7, line two hundred and twenty-six, strike out the words "eleven and one half," and insert in lieu thereof the word "twelve."

Amendment adopted.

Also:

On page fifteen, Section 7, line two hundred and twenty-eight, strike out the figures "12," and insert in lieu thereof the figures "13."

Amendment adopted.

Also:

On page sixteen, Section 7, line two hundred and forty-two, strike out the figures "13," and insert in lieu thereof the figures "14."

Amendment adopted.

Also:

On page sixteen, Section 7, line two hundred and forty-nine, strike out the figures "14," and insert in lieu thereof the figures "15."

Amendment adopted.

Also:

On page seventeen, Section 7, line two hundred and seventy-five, strike out the figures "15," and insert in lieu thereof the figures "16."

Amendment adopted.

Also:

On page twenty-one, Section 8, line one hundred and forty-eight, between said line one hundred and forty-eight and line one hundred and forty-nine, insert the following:

"8. The assessor, four thousand dollars per annum: *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy assessor at eighteen hundred dollars per annum, one second deputy assessor at fifteen hundred dollars per annum, one mortgage deputy assessor at twelve hundred dollars per annum, and one transfer deputy assessor at a salary of twelve hundred dollars per annum, six field deputy assessors for not exceeding four months in any one year at one hundred dollars each per month, seven outside field deputy assessors for not exceeding four months in any one year at a salary of one hundred and twenty-five dollars each per month, one cashier for not exceeding six months in any one year at a salary of one hundred and twenty-five dollars per month, eight copyists for not exceeding four months in any one year at a salary of one hundred dollars each per month, five extra deputy assessors for not exceeding four months in any one year at a salary of one hundred dollars each per month, and such additional assistance as the assessor may require and whose compensation shall not in the aggregate exceed the sum of three thousand dollars per annum; *and provided*, that the assessor shall file with the county auditor a statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance as aforesaid. The salaries of the deputy assessors, copyists, and cashier herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid."

Amendment adopted.

By Senator Sims:

Amend Section 11, page thirty, as follows:

1. By striking out all after the word "named," in line sixteen, and all of lines seventeen, eighteen, and nineteen.

2. By inserting after the word "named," in line twenty-six, page thirty, printed bill, the following: "The sheriff shall also appoint one additional deputy, at a salary of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid."

3. By striking out of line thirty-five, page thirty-one, printed bill, the words "in going only."

4. By inserting after the word "mile," in line thirty-six, the words "one way only,"

to be computed over the nearest and most practicable route between the courthouse and place of service."

5. By striking out of line fifty the word "four," and inserting in lieu thereof the word "two."

6. By inserting after the word "thousand," in line fifty, the words "four hundred."

7. By striking out of line fifty-one all after the word "that," and all of line fifty-two, and in line fifty-three the words "said deputy and."

8. By striking out the word "four," in line fifty-five, and inserting the word "two."

9. After the word "thousand," in line fifty-five, insert the words "four hundred."

10. By striking out of line fifty-seven the words "two thousand one," and inserting the word "twelve" in lieu thereof.

11. Strike out the word "eight," in line fifty-nine, and insert in lieu thereof the word "two."

12. Strike out the word "eight," in line sixty-three, and insert in lieu thereof the word "two."

13. By striking out of line one hundred and fourteen, page thirty-three, printed bill, the word "four," and inserting in lieu thereof the word "three."

Amendments adopted.

By Senator Lukens:

On page ninety-nine, Section 36, immediately after line one hundred and forty-two, insert the following, after the words "per annum": "This section shall take effect immediately, in so far as it relates to the fees of justices and constables."

Amendment adopted.

Also:

On page one hundred and four, Section 38, line fifty-three, strike out the words following the figures "13," to wit: "Justices of the peace" et seq., to and including the words "by law," and insert in lieu thereof the following: "Justices of the peace shall receive as compensation the sums respectively mentioned hereafter, viz:

"For entering every case upon his docket, fifty cents.

"For filing each paper in the suit, twenty-five cents.

"For issuing any writ or process by which suit is commenced, fifty cents.

"For issuing subpoena for each person, twenty-five cents.

"For administering an oath or affirmation, twenty-five cents.

"For each certificate, twenty-five cents.

"For issuing writ of attachment or arrest, or for the delivery of the property, fifty cents.

"For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents.

"For taking justification to a bond, fifty cents.

"For swearing a jury, fifty cents.

"For issuing an execution, fifty cents.

"For taking depositions, per folio, fifteen cents.

"For issuing search warrants, fifty cents.

"For affidavit for search warrant, including entry on his docket when there is no other or further action, fifty cents.

"For entry of cause without process, one dollar.

"For entering every motion, rule, order, exception, or default, twenty-five cents.

"For entering any final judgment, for the first folio, fifty cents; for every additional folio, fifteen cents.

"For entering judgment by confession, and only on affidavit as required in the superior court, two dollars; *provided, however*, that it shall be the duty of the justices of the peace to pay into the county treasury all sums of money by them received in all criminal cases for fines or for other purposes.

"For entering satisfaction of a judgment, fifty cents.

"For issuing commission to take testimony, fifty cents.

"For transcript of a judgment, order, docket, or paper in his office, for each folio, fifteen cents.

"For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

"For taking acknowledgment of any instrument, fifty cents.

"For celebrating a marriage, three dollars.

"For all services and proceedings before a justice of the peace in a criminal action or proceeding, whether on examination or trial, three dollars per day; but there shall be allowed for all depositions required by law to be taken (including the transmission to the county clerk of the papers in the case) for each folio fifteen cents; *provided*, no additional compensation shall be allowed for taking bail.

"For all services connected with the posting of estrays, including transcript to the recorder, two dollars.

"For all services appertaining to the coroner's office, the justice of the peace who shall act when the coroner shall be absent or unable to attend shall receive the same fees as are allowed to the coroner for similar service.

"When the venire shall be changed in a civil case the justice before whom the action shall have been brought for all services in making up and transmitting the transcript and papers shall receive such fees as have accrued in the case.

"In cases of appeal all fees of the justice must be paid before the justice shall be required to forward the papers to the county clerk."

Amendment adopted.

Also:

On page one hundred and four, Section 38, line fifty-five, strike out the words following the figures "14," to and including the words "by law," in line fifty-six, and insert in lieu thereof the following: "The constables shall receive for serving summons in civil cases fifty cents, and mileage at the rate of twenty-five cents per mile, one way only."

"For summoning a jury before a justice of the peace, two dollars, and the same shall include mileage."

"For executing warrant of arrest in criminal proceeding, two dollars, and mileage at the rate of twenty-five cents per mile, one way only."

"For all other services the same fees and mileage as are allowed the sheriff for similar services."

Amendment adopted.

By Senator Nutt:

Amend by adding in Section 14, after line eighty-four, and to be known as subdivision seventeen, the following: "In counties of this class there shall be but one horticultural commissioner."

Amendment adopted.

By Senator Lukens:

On page forty-two, Section 15, line twenty, insert after the word "annum," the words "one deputy at a salary of nine hundred dollars per annum."

Amendment adopted.

Also:

On page forty-two, Section 15, line forty-four, after the word "expenses" insert the following: "Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code."

Amendment adopted.

Also:

On page forty-two, Section 15, line forty-five, strike out the figures "12," and insert in lieu thereof the figures "13."

Amendment adopted.

Also:

On page forty-two, Section 15, line forty-eight, strike out the figures "13," and insert in lieu thereof the figures "14."

Amendment adopted.

Also:

On page forty-three, Section 15, line seventy-two, strike out the figures "14," and insert in lieu thereof the figures "15."

Amendment adopted.

Also:

On page forty-four, Section 15, line ninety-three, strike out the figures "15," and insert in lieu thereof the figures "16."

Amendment adopted.

Also:

On page forty-four, Section 15, line one hundred and two, strike out the figures "16," and insert in lieu thereof the figures "17."

Amendment adopted.

By Senator Selva:

Amend Section 15, line thirty-one, page forty-five, by inserting after the word "thousand," the words "four hundred."

Amendment adopted.

Also:

Amend by striking out of Section 15, line thirty-eight, all after the words "per annum," down to and including line forty-four, page forty-six.

Amendment adopted.

Also:

Amend Section 15 by inserting after line two hundred and fifteen, on page fifty, printed bill, the following paragraph:

"In counties of this class grand and petit jurors shall receive a compensation of three dollars per day and mileage at the rate of fifteen cents per mile, going only."

Amendment adopted.

By Senator Goad:

Amend by striking out of Section 17, line nine, the words "three thousand," and inserting the words "two thousand four hundred."

Amendment adopted.

Also:

Amend by striking out of Section 17, lines twelve to nineteen, inclusive, the following: "3. The recorder, two thousand dollars per annum. 4. The auditor, eighteen hundred dollars per annum, and one clerk at a salary not to exceed fifty dollars per month, to be paid in the same manner and out of the same fund as the auditor. 5. The treasurer, eighteen hundred dollars per annum. 6. The tax collector and license collector, two thousand four hundred dollars per annum," and inserting the following: "3. The recorder, eighteen hundred dollars per annum. 4. The auditor, two thousand two hundred dollars per annum. 5. The treasurer, eighteen hundred dollars. 6. The tax collector and license collector, two thousand two hundred dollars per annum."

Amendment adopted.

Also:

Amend by striking out of Section 17, line twenty-seven, the figures "16," and inserting the figures "18."

Amendment adopted.

By Senator Flint:

On page fifty-five, Section 19, line twenty-three, strike out the word "twenty-five," and insert in lieu thereof the word "thirty-four."

Amendment adopted.

By Senator Caldwell:

Amend by inserting in Section 18, line forty-one, after the word "county," the following: "and keep his office open on all business days."

Amendment adopted.

Also:

Amend by striking out of Section 18, line thirty, the words "county treasurer," and inserting the following: "assessor; *provided*, that all commissions shall be paid into the county treasury."

Amendment adopted.

By Senator Flint:

On page fifty-five, Section 19, line twenty-five, after the word "annum," strike out the period and insert the following: "; *provided*, that he shall have the power to appoint

one deputy district attorney at a salary of one thousand dollars per annum, payable in the same manner as that of other county officers."

Amendment adopted.

Also:

On page fifty-six, Section 19, line thirty-six, strike out all of lines thirty-six to forty-four, both inclusive, and insert in lieu thereof the following: "13. The justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, thirty-five dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, twenty-five dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty dollars per month; in townships having a population of seven hundred and less than one thousand, fifteen dollars per month; in townships having a population of less than seven hundred, ten dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now or may be hereafter allowed by law, for all services performed by him in civil actions.

"14. Constables shall receive the following salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population of less than seven hundred, fifteen dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case (when such service is, in fact, made), both going and returning, ten cents per mile for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile for transporting prisoners to the county jail, ten cents a mile each way. In addition to the monthly salary allowed him herein, each Constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

"15. The supervisors, each the sum of five dollars per day for actual service, together with mileage at the rate of twenty cents per mile, in going only, from the residence to the county seat, at each session of the board, but not to exceed in the aggregate six hundred dollars per annum, exclusive of mileage.

"16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding general election."

Amendment adopted.

By Senator Lukens:

On page sixty-one, Section 21, line ninety-eight, strike out the figures "14½," and insert in lieu thereof the figures "15."

Amendment adopted.

Also:

On page sixty-one, Section 21, line one hundred and twelve, strike out the figures "15," and insert in lieu thereof the figures "16."

Amendment adopted.

Also:

On page sixty-one, Section 21, line one hundred and fifteen, strike out the figures "16," and insert in lieu thereof the figures "17."

Amendment adopted.

Also:

On page sixty-one, Section 21, line one hundred and seventeen, strike out the figures "17," and insert in lieu thereof the figures "18."

Amendment adopted.

Also:

On page sixty-two, Section 21, line one hundred and twenty, strike out the figures "18," and insert in lieu thereof the figures "19."

Amendment adopted.

By Senator Belshaw:

Amend by striking out the words "two thousand five hundred," in line ten, page eighty-six, Section 32, of the printed bill, and inserting in lieu thereof the words "three thousand."

Amendment adopted.

Also:

Amend by striking out the word "six," in line fourteen, page eighty-six, Section 32 of the printed bill, and inserting in lieu thereof the word "eight."

Amendment adopted.

Also:

Amend by inserting after the word "thousand," in line sixteen, page eighty-six, Section 32 of the printed bill, the words "two hundred."

Amendment adopted.

Also:

Amend by striking out the words "one thousand eight hundred," in line seventeen, page eighty-six, Section 32 of the printed bill, and inserting in lieu thereof the words "two thousand four hundred."

Amendment adopted.

Also:

Amend by striking out of Section 32, line thirty-seven, all the words from and after the word "when," to and including the word "Recorder," on line thirty-eight thereof, and inserting in lieu thereof the following: "during a jury trial therein or a preliminary examination for felony."

Amendment adopted.

Also:

Amend by adding a new subdivision to Section 32, to read as follows:

"16. Each member of the Board of Education, five dollars per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law."

Amendment adopted.

By Senator Byrnes:

On page ninety-five, Section 35, strike out all of subdivisions thirteen, fourteen, and fifteen, and insert in lieu thereof the following:

"13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month; in townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month; in townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month; in all townships having a population of less than twelve hundred, ten dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

"14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month; in townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month; in townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month; in all townships having a population of less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in

executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to the county jail, which said expense shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

"15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary, shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code."

Amendment adopted.

Also:

Add a new subdivision to be numbered sixteen, as follows:

"16. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner, his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars."

Amendment adopted.

By Senator Davis:

On page ninety-six, Section 36, line twenty-six, insert the words "five hundred," between the words "thousand" and "dollars."

Amendment adopted.

By Senator Lardner:

On page one hundred and eighteen, Section 43, strike out subdivision 16, including words in lines thirty-nine to sixty, inclusive.

Amendment adopted.

By Senator Cutter:

Amend Section 44, line thirty-five, page one hundred and nineteen, printed bill, by striking out the period and adding the following: "*provided*, that where the trial of any case shall occupy more than one day, and not less than three hours of such day, the justice shall also be allowed three dollars for each additional day consumed in such trial."

Amendment adopted.

Also:

Amend Section 44, line thirty-seven, page one hundred and nineteen, printed bill, by striking out the period and adding the following: "*provided*, that the constable shall also be allowed at the rate of two dollars and fifty cents per day for each day of actual attendance on the trial of cases in the justice's court, where such attendance is pursuant to the order of the justice thereof."

Amendment adopted.

Also:

Amend Section 44, page one hundred and twenty, printed bill, by adding a new paragraph at the end of the section after line sixty, to read as follows: "Subdivisions thirteen and fourteen of this section shall take effect immediately."

Amendment adopted.

Also:

Amend Section 49, line thirty-one, page one hundred and twenty-seven, printed bill, by striking out the period and adding the following: "*provided*, that where the trial of any case shall occupy more than one day, and not less than three hours of such day, the justice shall also be allowed three dollars for each additional day consumed in such trial."

Amendment adopted.

Also:

Amend Section 49, line thirty-three, page one hundred and twenty-seven, printed bill, by striking out the period and adding the following: "provided, that the constable shall also be allowed at the rate of two dollars and fifty cents per day of actual attendance on the trial of causes in the justice's court, where such attendance is pursuant to the order of the justice thereof."

Amendment adopted.

Also:

Amend Section 49, page one hundred and twenty-seven, by adding a new paragraph at the end of the section, after line fifty-six, to read as follows: "Subdivisions thirteen and fourteen of this section shall take effect immediately."

Amendment adopted.

By Senator Lukens:

On page one hundred and thirty-eight, Section 58, line one, between the words "Act" and "shall," insert the following: "except as herein otherwise provided."

Amendment adopted.

Also:

On page one hundred and thirty-eight, Section 58, line one, strike out the words "on and after the," and insert in lieu thereof the words "at twelve o'clock meridian on the."

Amendment adopted.

Also:

On page one hundred and thirty-eight, Section 58, line two, insert between the words "Monday" and "of" the words "after the first day."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, lines twenty and twenty-one, strike out the words "which shall be in full for all services as tax collector and license collector," and insert in same section, line twenty-three, after the word "annum," the words "which shall be in full for all services as tax collector and license collector."

Amendment adopted.

By Senator Rowell:

Amend Section 19, page thirty-six, by adding a new subdivision, to be numbered seventeen, after the end of subdivision sixteen, end of line one hundred and six, to read as follows:

"17. In counties of the seventh class, the board of supervisors may appoint a horticultural commissioner, who shall have expert knowledge of the duties pertaining to the position, who shall serve at the pleasure of the board, and who shall be paid a salary of not to exceed one hundred dollars per month."

Amendment adopted.

By Senator Devlin:

Amend Section 10, subdivision seventeen, page thirty, printed bill, following the word "tried," on line one hundred and fourteen, by inserting the following: "This section, so far as it relates to the services and compensation of official reporters, shall take effect immediately after its passage."

Amendment adopted.

By Senator Tyrrell of Nevada:

Amend by striking out all of paragraph eight, Section 24, page seventy of the printed bill, and inserting in lieu thereof the following:

"8. The district attorney, two thousand five hundred dollars per annum, and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney; the salary of such deputy to be paid monthly and, in the same manner as salaries of county officers are now paid."

Amendment adopted.

Also:

Amend Section 24, paragraph fifteen, line eighty of the printed bill, by striking out the word "and" and inserting in lieu thereof the word "or."

Amendment adopted.

Also:

Amend Section 24, paragraph sixteen, page seventy-one of the printed bill, by adding after the word "law," in line eighty-four, the following: "and when necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges."

Amendment adopted.

Also:

Amend by adding a new paragraph, to be known as paragraph seventeen, to read as follows:

"17. All portions of this section referring to the county clerk, auditor, sheriff, deputy district attorney, justices of the peace, constables, and court reporter, in so far as their salaries or fees are concerned, shall take effect and be in full force from and after the passage of this Act."

Amendment adopted.

By Senator Greenwell:

On page eighty-eight, Section 187, line twelve, strike out the word "fees."

Amendment adopted.

Also:

Strike out, in line thirteen, the words "For serving warrant of arrest, two dollars."

Amendment adopted.

Also:

On page ninety-one, Section 187, line one hundred and forty, insert after the word "charges," the following: "This Act shall take effect and be in force from and after January first, one thousand nine hundred and three."

Amendment adopted.

By Senator Flint:

On page one hundred and twenty-two, Section 46, line twenty-three, strike out the words "two thousand," and insert in lieu thereof the word "twenty-four."

Amendment adopted.

Also:

On page one hundred and twenty-two, Section 46, line seventeen, strike out the words "five hundred," and insert in lieu thereof the words "six hundred."

Amendment adopted.

Also:

On page one hundred and twenty-two, Section 4, line sixteen, strike out the words "nine hundred," and insert in lieu thereof the words "twelve hundred."

Amendment adopted.

Also:

On page one hundred and twenty-two, Section 46, line nine, strike out the words "six hundred," and insert in lieu thereof the words "eight hundred."

Amendment adopted.

By Senator Pace:

On page one hundred and seven, Section 194, strike out all of subdivision one and insert in lieu thereof the following: "The county clerk, twenty five hundred dollars per annum."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, line seventeen, strike out the words "thirty eight hundred," and insert in lieu thereof the words "four thousand."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, line nineteen, strike out the word "sixteen," and insert in lieu thereof the word "eighteen."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, line twenty, strike out the words "one thousand," and insert in lieu thereof the words "twelve hundred."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, line twenty-two, strike out the word "eleven," and insert in lieu thereof the word "twelve."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, after the words in line twenty-three add the following: "which shall be in full for all services as tax collector and as license collector."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, line twenty-four, strike out the word "eighteen," and insert in lieu thereof the word "fifteen."

Amendment adopted.

Also:

On page one hundred and seven, Section 194, strike out all of subdivision eleven and insert in lieu thereof the following:

"The superintendent of schools, fifteen hundred dollars per annum, which sum shall be in full for all services performed as school superintendent, including expenses for visiting schools, and as a member of the board of education."

Amendment adopted.

Also:

On page one hundred and eight, Section 194, strike out all of subdivision fifteen, and insert in lieu thereof the following:

"15. In counties of this class, the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal actions tried in said court, and for preliminary examinations in justices' courts, and for his services as reporter at coroners' inquests, a salary of five dollars per diem; and for transcription of said notes, when required, he shall receive a sum of ten cents per folio for the original, and five cents per folio for a copy; said compensation per diem and for transcription in civil cases to be paid by the parties to the action in such manner as the court may direct, and in criminal proceedings and at coroners' inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury.

"This act, so far as it relates to counties of the — class, shall take effect immediately as to the office of official reporter, but shall not affect the compensation of other officers during the present term of office, except as herein otherwise provided."

Amendment adopted.

Also:

On page sixty-one, Section 175, line one hundred and fifteen, insert between the words "seventy" and "shall," the word "five."

Amendment adopted.

Also:

On page sixty, Section 175, line forty-five, strike out the word "seventy," and insert in lieu thereof the word "eighty."

Amendment adopted.

By Senator Lukens:

On page twenty, Section 8, line ninety-seven, at the end thereof, insert the words "one deputy who shall be appointed by the Auditor of such county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum."

Amendment adopted.

Also:

On page twenty, Section 5, line one hundred and nine, between the words "thousand" and "dollars" insert the words "six hundred."

Amendment adopted.

Also:

On page twenty-two, Section 8, line one hundred and seventy-three, insert after the word "schools" the words "one assistant superintendent of schools and."

Amendment adopted.

Also:

On page forty-four, Section 15, line one, strike out the figures "15," and insert in lieu thereof the figures "16."

Amendment adopted.

By Senator Greenwell:

On page eighty-eight, Section 187, line eleven, insert after the word "thousand," the words "two hundred."

Amendment adopted.

By Senator Goad:

Amend by striking out of Section 50, line seven, the words "two thousand," and inserting the words "twenty-five hundred."

Amendment adopted.

By Senator Lukens:

On page fifty, Section 16, line one, strike out the figures "16," and insert in lieu thereof the figures "17."

Amendment adopted.

Also:

On page fifty-two, Section 17, line one, strike out the figures "17," and insert in lieu thereof the figures "18."

Amendment adopted.

Also:

On page fifty-three, Section 18, line one, strike out the figures "18," and insert in lieu thereof the figures "19."

Amendment adopted.

Also:

On page fifty-five, Section 19, line one, strike out the figures "19," and insert in lieu thereof the figures "20."

Amendment adopted.

Also:

On page fifty-six, Section 20, line one, strike out the figures "20," and insert in lieu thereof the figures "21."

Amendment adopted.

Also:

On page fifty-eight, Section 21, line one, strike out the figures "21," and insert in lieu thereof the figures "22."

Amendment adopted.

Also:

On page sixty-two, Section 22, line one, strike out the figures "22," and insert in lieu thereof the figures "23."

Amendment adopted.

By Senator Muentzer:

On page three, Section 3, line eleven, strike out the word "four," and insert in lieu thereof the word "six."

Amendment adopted.

By Senator Lukens:

On page one hundred and twenty-three, Section 47, line one, strike out the figures "47," and insert in lieu thereof the figures "43."

Amendment adopted.

Also:

On page one hundred and twenty-four, Section 48, line one, strike out the figures "48," and insert in lieu thereof the figures "49."

Amendment adopted.

Also:

On page one hundred and twenty-six, Section 49, line one, strike out the figures "49," and insert in lieu thereof the figures "50."

Amendment adopted.

Also:

On page one hundred and twenty-seven, Section 50, line one, strike out the figures "50," and insert in lieu thereof the figures "51."

Amendment adopted.

Also:

On page one hundred and twenty-nine, Section 51, line one, strike out the figures "51," and insert in lieu thereof the figures "52."

Amendment adopted.

Also:

On page one hundred and thirty, Section 52, line one, strike out the figures "52," and insert in lieu thereof the figures "53."

Amendment adopted.

Also:

On page one hundred and thirty-two, Section 53, line one, strike out the figures "53," and insert in lieu thereof the figures "54."

Amendment adopted.

Also:

On page one hundred and thirty-four, Section 55, line one, strike out the figures "55," and insert in lieu thereof the figures "56."

Amendment adopted.

Also:

On page one hundred and thirty-five, Section 56, line one, strike out the figures "56," and insert in lieu thereof the figures "57."

Amendment adopted.

Also:

On page one hundred and thirty-six, Section 57, line one, strike out the figures "57," and insert in lieu thereof the figures "58."

Amendment adopted.

Also:

On page one hundred and thirty-eight, Section 58, line one, strike out the figures "58," and insert in lieu thereof the figures "59."

Amendment adopted.

Also:

On page one hundred and thirty-three, Section 54, line one, strike out the figures "54," and insert in lieu thereof the figures "55."

Amendment adopted.

Senator Lukens moved to amend as follows:

On page sixty-five, Section 23, line one, strike out the figures "23," and insert in lieu thereof the figures "24."

Amendment adopted.

Also:

On page sixty-nine, Section 24, line one, strike out the figures "24," and insert in lieu thereof the figures "25."

Amendment adopted.

Also:

On page seventy-one, Section 25, line one, strike out the figures "25," and insert in lieu thereof the figures "26."

Amendment adopted.

Also:

On page seventy-six, Section 26, line one, strike out the figures "26," and insert in lieu thereof the figures "27."

Amendment adopted.

Also:

On page seventy-seven, Section 27, line one, strike out the figures "27," and insert in lieu thereof the figures "28."

Amendment adopted.

Also:

On page seventy-nine, Section 28, line one, strike out the figures "28," and insert in lieu thereof the figures "29."

Amendment adopted.

Also:

On page eighty, Section 29, line one, strike out the figures "29," and insert in lieu thereof the figures "30."

Amendment adopted.

Also:

On page eighty-two, Section 30, line one, strike out the figures "30," and insert in lieu thereof the figures "31."

Amendment adopted.

Also:

On page eighty-four, Section 31, line one, strike out the figures "31," and insert in lieu thereof the figures "32."

Amendment adopted.

Also:

On page eighty-six, Section 32, line one, strike out the figures "32," and insert in lieu thereof the figures "33."

Amendment adopted.

Also:

On page eighty-seven, Section 33, line one, strike out the figures "33," and insert in lieu thereof the figures "34."

Amendment adopted.

Also:

On page ninety-one, Section 34, line one, strike out the figures "34," and insert in lieu thereof the figures "35."

Amendment adopted.

Also:

On page ninety-four, Section 35, line one, strike out the figures "35," and insert in lieu thereof the figures "36."

Amendment adopted.

Also:

On page ninety-five, Section 36, line one, strike out the figures "36," and insert in lieu thereof the figures "37."

Amendment adopted.

Also:

On page ninety-nine, Section 37, line one, strike out the figures "37," and insert in lieu thereof the figures "38."

Amendment adopted.

Also:

On page one hundred and three, Section 38, line one, strike out the figures "38," and insert in lieu thereof the figures "39."

Amendment adopted.

Also:

On page one hundred and five, Section 39, line one, strike out the figures "39," and insert in lieu thereof the figures "40."

Amendment adopted.

Also:

On page one hundred and six, Section 40, line one, strike out the figures "40," and insert in lieu thereof the figures "41."

Amendment adopted.

Also:

On page one hundred and nine, Section 41, line one, strike out the figures "41," and insert in lieu thereof the figures "42."

Amendment adopted.

Also:

On page one hundred and fourteen, Section 42, line one, strike out the figures "42," and insert in lieu thereof the figures "43."

Amendment adopted.

Also:

On page one hundred and seventeen, Section 43, line one, strike out the figures "43," and insert in lieu thereof the figures "44."

Amendment adopted.

Also:

On page one hundred and eighteen, Section 44, line one, strike out the figures "44," and insert in lieu thereof the figures "45."

Amendment adopted.

Also:

On page one hundred and twenty, Section 45, line one, strike out the figures "45," and insert in lieu thereof the figures "46."

Amendment adopted.

Also:

On page one hundred and twenty-two, Section 46, line one, strike out the figures "46," and insert in lieu thereof the figures "47."

Amendment adopted.

Bill partially read second time, ordered to print and on file for further second reading and amendment.

SPECIAL ORDER SET.

On motion of Senator Lukens, further consideration of second reading of Senate Bill No. 650 was made special order for Wednesday, March 6, 1901, at eight o'clock P. M.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Luchsinger, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 812 (Committee Substitute for Assembly Bill No. 498)—An Act to amend Sections 1912, 1917, 1918, 1920, 1936, 1939, 1946, 1962, 1982, 1984, 1985, 2076,

2077, and 2094, to repeal Sections 1981, 1983, 1990, 1992, and 2032, and to add a new section, to be known and numbered as Section 1973a, all of and to the Political Code of the State of California, relating to the National Guard.

Also: Concurred in Senate amendments to Assembly Bill No. 556—An Act declaring upon what terms contracts between persons, companies, associations, or corporations furnishing water for irrigation to the consumers of such water shall be valid, and to provide that such contracts shall be deemed based upon sufficient consideration.

Also: Passed Senate Bill No. 652—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fourth session of the Legislature.

Also: Passed Senate Bill No. 651—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of real property situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro, Los Angeles & Salt Lake Railroad Company, for the purposes of a right of way and depot grounds for a steam railroad.

Also: Herewith returns to your honorable body Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works—as per your request.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 651 and 652 ordered to enrollment.

Assembly Bill No. 812 read first time, and, on motion of Senator Luchsinger, was ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897—and appointed Assemblymen Knowland, Bliss, and Stewart of San Diego as a committee of conference, to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the above request, the President appointed Senators Taylor, Leavitt, and Smith of Kern as such committee of conference on Senate Bill No. 407.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 198—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

S. C. SMITH, Chairman.

Assembly Bill No. 198 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly reengrossed:

Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society.

Senate Bill No. 456—An Act to limit horse-racing to a period of forty days in each county within the State during one year.

NELSON, Chairman.

Senate Bill No. 471, Committee Substitute for Senate Bill No. 50, and Senate Bill No. 456 ordered on file for passage.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 316—An Act to amend Section 1670 of the Political Code of the State of California, relating to high schools—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

LARDNER, Chairman.

Senate Bill No. 316 ordered on file for second reading.

THIRD READING OF BILLS.

Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 179 passed by the following vote:

AYES—Senators Belshaw, Burnett, Corlett, Cutter, Davis, Devlin, Greenwell, Hoey, Luchsinger, Muentner, Nelson, Nutt, Plunkett, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—21.

NOES—Senators Byrnes, Lardner, Sims, and Wolfe—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481—An Act to amend Sections 189 and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 481 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Luchsinger, Muentner, Nelson, Nutt, Plunkett, Rowell, Shortridge, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378—An Act fixing and defining a miner's inch of water.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Nelson, Rowell, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 77—An Act to amend Section 11 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an

Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Muentner moved a call of the Senate.

Motion carried.

Time, four o'clock and ten minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Burnett, Byrnes, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Selvage, Shortridge, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and fifteen minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Muentner.

The roll of absentees was called.

Whereupon the President announced Senate Bill No. 77 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Nutt, Rowell, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—21.

NOES—Senator Sims—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Passed on file.

Senate Bill No. 477—An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Corlett, Currier, Davis, Devlin, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Rowell, Selvage, Shortridge, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 288—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Hoov, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Rowell, Selvage, Shortridge, Sims, Taylor, Tyrrell of Nevada, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Tyrrell of Nevada gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage—was this day passed.

SECOND READING OF BILLS.

Senator Belshaw asked and was granted unanimous consent to take up Senate Bill No. 485 for immediate consideration.

Senate Bill No. 48—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Bill read second time, considered engrossed, and ordered on file for third reading.

RECESS.

At the hour of four o'clock and twenty-seven minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Lukens, Muentner, Nelson, Pace, Plunkett, Rowell, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

Quorum present.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—having arrived, on motion of Senator Cutter the same was postponed until Wednesday, March 6, 1901, at eight o'clock P. M., and was therefore made special order for that date and hour.

THIRD READING OF BILL.

Senator Luchsinger asked and was granted unanimous consent to take up Senate Bill No. 471 for immediate consideration.

Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pace, Plunkett, Rowell, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILLS.

On motion of Senator Bettman, Assembly Bills Nos. 484 and 485 were withdrawn from committee and placed on file.

Senator Bettman asked and was granted unanimous consent to take up Assembly Bills Nos. 484 and 485 for immediate consideration.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Bettman:

Resolved, That Assembly Bills Nos. 484 and 485 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—28.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 484—An Act to amend Section 290 of Civil Code, relative to articles of incorporation.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 484 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Nelson, Nutt, Pace, Plunkett, Rowell, Selva, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485—An Act to amend Section 305 of the Civil Code, relating to corporations.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 485 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Belshaw asked unanimous consent to withdraw Senate Bill No. 300—An Act to amend Section 305 of the Civil Code, relating to corporations.

Consent granted.

Bill withdrawn and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

On motion of Senator Wolfe, consideration of third reading of Senate bills was proceeded with.

Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceedings in pursuance whereof real estate has been sold to the State for delinquent taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 482 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nutt, Oneal, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 234—An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 234 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muenter, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the mem-

bers of said commission, to be known as 'The Commission for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read third time.

Senator Belshaw moved to refer to Senator Davis, as a special committee of one, to amend as follows:

Amend by inserting after Section 1, the following:

"SEC. 2. This Act shall take effect July first, nineteen hundred and two."

Motion lost.

At nine o'clock and five minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

At nine o'clock and ten minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 317 refused passage by the following vote:

AYES—Senators Ashe, Burnett, Corlett, Currier, Curtin, Cutter, Flint, Laird, Lukens, Muentner, Nelson, Nutt, Rowell, and Taylor—14.

NOES—Senators Belshaw, Bettman, Byrnes, Davis, Devlin, Greenwell, Lardner, Leavitt, Luchsinger, Oneal, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—19.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 634 - An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer have had the same under consideration, and respectfully report the same back without recommendation.

S. C. SMITH, Chairman.

Senator Leavitt asked and was granted unanimous consent to take up Senate Bill No. 634 for immediate consideration.

Senate Bill No. 634 - An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

During second reading of bill, the following substitute was offered by Senator Leavitt:

SUBSTITUTE FOR SENATE BILL No. 634.

An Act making an appropriation to pay the expenses of legislative printing for the thirty-fourth session.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of twenty-eight thousand dollars (\$28,000), or so much thereof as may be necessary, for the support of the State Printing Office, the same to be used to pay the expenses of legislative printing for the thirty-fourth session.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

THIRD READING OF BILL.

Senator Smith of Kern asked and was granted unanimous consent to take up Senate Bill No. 398 for immediate consideration.

Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 398 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations, repealing Section 648½ of the Civil Code and all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 595—An Act to build and provide for the furnishing of a cottage upon the grounds of Agnews State Hospital, and to appropriate money therefor.

Senate Bill No. 537—An Act to amend Section 3519 of the Political Code of the State of California, relating to swamp and overflowed land.

Senate Bill No. 355—An Act providing for the submission and enactment of ordinances by the direct vote of the qualified voters of counties, cities, and towns.

Senate Bill No. 300—An Act to amend Section 305 of the Civil Code, relating to corporations.

Senate Bill No. 332—An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

Also: That they have examined and found the following bills correctly engrossed:

Senate Bill No. 546—An Act to declare the Alturas and Lakeview Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Senate Bill No. 485—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

NELSON, Chairman.

Senate Bills Nos. 546 and 485 ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 469—An Act to amend Section 110 of the Code of Civil Procedure of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 469 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Nutt, Rowell, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 385—An Act making an appropriation of \$15,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Rowell, Selvage, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Read third time.

Senator Tyrrell of San Francisco moved to refer to Senator Oneal, as a special committee of one, to amend as follows:

Amend by striking out of Section 7, lines one and two, page three, the following: "and be in force from and after March first, nineteen hundred and one," and inserting in lieu thereof the word "immediately."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations—respectfully reports the same back, amended as per instructions.

ONEAL, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 111—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 111 passed by the following vote:

AYES—Senators Belshaw, Bettman, Corlett, Currier, Curtin, Cutter, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of making certain improvements, alterations, and additions upon the grounds of said society.

Read third time.

Senator Devlin moved to refer to Senator Davis, as a special committee of one, to amend as follows:

Amend by striking out of Section 5, line one, the word "immediately," and inserting the words "on and after January one, nineteen hundred and two."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of making certain improvements, alterations, and additions upon the grounds of said society—respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.

Senator Belshaw moved to refer to Senator Smith of Kern, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line six, the word "said," down to and including the word "society," in line ten.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of making certain improvements, alterations, and additions upon the grounds of said society—respectfully reports the same back, amended as per instructions.

S. C. SMITH, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 527—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 527 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—23.

NOES—Senator Goad—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Passed on file.

Senate Bill No. 461—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muenter, Nelson, Oneal,

Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 119—An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 119 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Pace, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

Passed on file.

NOTICE OF MOTION TO RECONSIDER WITHDRAWN.

Senator Smith of Kern gave notice that he would not on the next legislative day, in accordance with his notice already given, move to reconsider the vote whereby Assembly Bill No. 320—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made—was on this day finally passed.

Assembly Bill No. 320 ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 386—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to officers of a township.

Passed on file.

Senate Bill No. 245—An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court.

Passed on file.

Senate Bill No. 402—An Act making an appropriation to pay for an air compressor for the State Prison at Folsom.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 402 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nutt, Shortridge, Smith of Kern, and Tyrrell of San Francisco—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454—An Act making an appropriation to pay the reward offered by the Governor of the State of California, and the claim therefor, of W. A. Boyd and H. W. Randal, for the arrest of Josef E. Blanthier, for murder.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 454 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Curtin, Cutter, Devlin, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Selvage, Shortridge, Sims, Tyrrell of San Francisco, and Wolfe—21.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILL.

Senator Sims asked and was granted unanimous consent to take up Senate Bill No. 253 for immediate consideration.

Senate Bill No. 253—An Act to amend Section 2955 of the Civil Code of the State of California, relating to the mortgages of personal property in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT Your Committee on Judiciary, to whom was referred Assembly Bill No. 58—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 34—An Act to amend Section 849 of the Code of Civil Procedure, relating to service of summons in Justice's Court actions.

Also: Assembly Bill No. 42—An Act to add a new section to the Political Code, to be known as Section 3655a, providing for the listing and appraisal of property exempt from taxation, and reporting the same to the Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 111—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice, and the practice of attorneys and counselors-at-law, in the courts of this State.

Also: Senate Bill No. 569—An Act to execute and carry into effect Section 3 of Article XXII of the Constitution of the State of California.

Also: Senate Bill No. 418—An Act to amend Section 3546, Section 3547, and Section 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 399—An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State.

Also: Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Also: Assembly Bill No. 86—An Act to amend Section 208 of the Penal Code.

Also: Assembly Bill No. 360—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 288, relating to crimes against children.

Also: Assembly Bill No. 393—An Act to amend Sections 612 and 616 of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872.

Also: Assembly Bill No. 33—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding thereto a new section to be known as Section 2022, authorizing the taking of a deposition where the adverse party has not appeared, and providing the proceeding.

Also: Assembly Bill No. 484—An Act to amend Section 290 of the Civil Code, relative to articles of incorporation.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 525—An Act to add a new section to the Political Code, to be known as Section 3365, relating to licenses—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Revenue and Taxation.

DAVIS, Chairman.

Assembly Bills Nos. 58, 34, 42, 111, 86, 360, 393, 33, and 484, and Senate Bills Nos. 569, 418, 399, and 394 ordered on file for second reading.

Senate Bill No. 525 referred to Committee on Revenue and Taxation.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 548—An Act to amend Section 2643 of the Political Code, relating to the duties of Supervisors respecting roads—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 548 ordered on file for second reading.

ADJOURNMENT.

At ten o'clock and twenty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, March 6, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Deylin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—40.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Tuesday, March 5, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, March 1, 1901, having been previously read and corrected, was approved.

PETITION.

The following petition was presented by Senator Flint, and ordered printed in the Journal:

HOLLISTER, March 5, 1901.

To the Senate of the State of California:

WHEREAS, The committee appointed by the Senate at the thirty-second session of the Legislature to make an examination of State institutions, in referring to the Board of State Harbor Commissioners, report: "There is no occasion whatever for a superintendent of the (ferry) building, except to give some one a place, the law placing the superintendency of that building in the Chief Wharfinger"; and

WHEREAS, The commission now has a man on its payroll at \$100 per month as superintendent of the ferry building; and

WHEREAS, This Senate report further says: "There is no occasion for the employment of any police force by the Harbor Commission in the City of San Francisco, as it is the duty of the city and its police department to take care of all property within the city, and there is no authority of law and no necessity, so far as your committee can learn, for the maintenance of any such force"; and

WHEREAS, The commission now has in its employ two policemen at \$75 per month; and

WHEREAS, Said report further says: "Watchmen are maintained upon the wharves, which is an unnecessary expense, the claim being made that because the State does not insure its property, it becomes necessary to employ watchmen to guard it." Your committee is of the opinion that there is nothing substantial in this claim. On all the wharves occupied to any great extent by transportation companies, they themselves keep a watchman for the protection of their own property, and certainly the State has no occasion to keep one itself under such circumstances, and there is no occasion for the employment of these watchmen that your committee is advised of; and

WHEREAS, The commission now employs three watchmen at a salary of \$75 per month; and

WHEREAS, Howard C. Holmes, Chief Engineer of the commission, in his report to the board for the two fiscal years ending June 30, 1900, says: "In the years 1899 and 1900 the number of cars switched on the Belt Railroad were 48,600, at an actual cost of about \$1.25 per car, or at a loss of fifty cents per car for every car switched," thus showing a loss of over \$12,000 per annum in this one item alone; and

WHEREAS, Grave charges of extravagance and unbusiness-like methods of management have been preferred against the Board of State Harbor Commissioners of San Francisco, not alone by the public press, but by reputable citizens, and the Chamber of Commerce of San Francisco; therefore, be it

Resolved by Hollister Grange, No. 319, of the Order of Patrons of Husbandry, That we, the members of said grange, individually as taxpayers and citizens, and collectively as an organization, having the welfare of our State, and especially the agricultural interests thereof, at heart, do most earnestly, yet respectfully, request the Legislature of California at its present session to take some action looking towards the thorough and impartial investigation of the management of said commission, and we would suggest that a hold-over committee be appointed for this purpose, in order that it may make a complete examination of the affairs of the commission and report to the next session of the Legislature. And we would suggest to the Legislature the advisability, in case such a committee is appointed, of placing men thereon of known integrity and ability (and we believe there are such among even our much abused legislators), for, we believe, if an attempt is made to whitewash or smother this thing, the day will come when it will "smell to high heaven" and be investigated by "the people," and when that day does come, woe betide the men and party who attempt to smother it; and be it further

Resolved, That a copy of this resolution, duly signed by the secretary of this grange, stamped with the seal thereof, and countersigned by the master, be forwarded to Senator Thomas Flint, Jr., our representative in the State Legislature at Sacramento, with the request that he lay this matter before the Legislature and urge its investigation; and be it further

Resolved, That every subordinate grange in California be asked to urge their representatives in the Legislature to take similar action, inasmuch as this is a matter that touches the pockets of every producer in the State.

BATES DeHART, Master.
Mrs. L. THYSEN, Secretary.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Senate Bills Nos. 311 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and

regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder.

Also: Refused to pass Senate Bill No. 195—An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor.

Also: Refused to pass Senate Bill No. 450—An Act to amend an Act entitled "An Act making it unlawful to refuse admission to places of amusement."

Also: Passed Committee Substitute for Senate Bill No. 592—An Act to amend an Act entitled "An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of same," approved April 1, 1897, by repealing Sections 5, 6, 7, 8, 9, and 10, and by amending Sections 4, 16, and 18 thereof.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Committee Substitute for Senate Bills Nos. 311 and 382 and Committee Substitute for Senate Bill No. 592 ordered to enrollment.

SPECIAL ORDERS RESET.

On motion of Senator Flint, consideration of the Governor's veto to Senate Bill No. 161, heretofore made special order for Wednesday, March 6, 1901, at three o'clock and thirty minutes p. m., was postponed until Monday, March 11, 1901, at three o'clock and thirty minutes p. m., and was therefore made special order for that date and hour.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 277—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3¹/₂, relating to the levying and equalizing, and modifying and reapportionment, and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessments and reassessments, and against the improvements under said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TAYLOR, Chairman.

Assembly Bill No. 277 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bill correctly engrossed:

Senate Bill No. 253—An Act to amend Section 2955 of the Civil Code of the State of California, relating to the mortgaging of personal property in the State of California.

NELSON, Chairman.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 211—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to justices of peace in townships—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 211 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 5, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate, F. J. Brandon, for the sum of \$427.91, in payment of the several following bills, and the Treasurer is hereby directed to pay the same:

Frank Jones, supplies and rent of typewriters to March 16th.....	\$22 25
J. J. Kocher, engrossing Senate S. M. White resolution.....	30 00
Pacific Postal Telegraph Company, Joint Resolution No. 14.....	191 70
Pacific Postal Telegraph Company, Joint Resolution No. 15.....	129 96
H. S. Crocker Company, supplies.....	9 00
G. B. Katzenstein, rent of typewriters to March 9th.....	45 00

Total \$427 91

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Flint, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvaige, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe 24.

NOES—None.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

To the Senate of the State of California:

Your special committee, appointed as per resolution of the Senate adopted February 20, 1901, beg leave to submit the following:

Your committee visited the State Hospital at Ukiah on February 24, 1901, and made a thorough inspection of the building and grounds constituting the same, and found the same in excellent condition in each and every department. The management of the institution is particularly desirous of an appropriation at the hands of the present Legislature to enable it to purchase a certain tract of land consisting of 120 acres adjoining the State's present holdings in the vicinity, to be used for the purpose of satisfactorily and safely disposing of the sewage of the hospital. The estimated cost of the land in question is \$15,000, and your committee recommends that this purchase be made for the purpose referred to. Your committee also favors an appropriation of about \$7,000 for the installation and equipment of an electric light and power plant, which in our opinion is very much needed by the hospital management. Your committee further favors an appropriation at this time for a needed hall to be used for dancing and other entertainment purposes by the patients in the institution, such an auxiliary being at present a part of the equipment of every other State hospital in California.

All of which is respectfully submitted.

MAGGARD.
MÜENTER.
CURRIER.
LAIRD.
NELSON.
CALDWELL.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Constitutional Amendments Nos. 11, 15, and 16, having arrived, on motion of Senator Davis the same was postponed until Thursday, March 7, 1901, immediately following the special order already set after regular order of reports of committees, and was therefore made special order for that date and hour.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Smith of Los Angeles, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 302—An Act to add a new section to the Penal Code

of California, to be known and numbered as Section 625½ of said code, in relation to the plugging of water-producing wells made in territory producing oil.

Also: Assembly Bill No. 62—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor.

Also: Assembly Bill No. 807—An Act to provide one additional Judge of the Superior Court of the County of Alameda.

Also: Assembly Bill No. 754—An Act to add a new section to the Political Code, to be known as Section 2647 of the Political Code, relating to the duties and powers of Boards of Supervisors respecting roads.

Also: Assembly Bill No. 826—An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou.

Also: Assembly Bill No. 426—An Act making an appropriation to pay the claim of William J. Elder for rent of room used by the Commissioners for the Revision and Reform of the Law, at the State House Hotel, in the City of Sacramento, from the 12th day of January, 1899, to the 19th day of March, 1899.

Also: Assembly Bill No. 645—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended March 26, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation.

Also: Assembly Bill No. 669—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof, providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof.

Also: Assembly Bill No. 394—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Also: Assembly Bill No. 740—An Act to regulate the practice of architecture.

Also: Assembly Bill No. 77—An Act to amend Section 1136 of the Penal Code.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 302 read first time, and referred to Committee on Mining.

Assembly Bill No. 62 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 807 read first time, and referred to Committee on County Government.

Assembly Bill No. 754 read first time, and, on motion of Senator Luchsinger, ordered on file without reference to committee.

Assembly Bill No. 826 read first time, and referred to Committee on County Government.

Assembly Bill No. 426 read first time, and referred to Committee on Finance.

Assembly Bill No. 645 read first time, and, on motion of Senator Luchsinger, ordered on file without reference to committee.

Assembly Bill No. 669 read first time, and, on motion of Senator Bettman, ordered on file without reference to committee.

Assembly Bill No. 394 read first time, and referred to Committee on Hospitals.

Assembly Bill No. 740 read first time, and, on motion of Senator Smith of Los Angeles, ordered on file without reference to committee.

Assembly Bill No. 77 read first time, and referred to Committee on Judiciary.

WITHDRAWAL OF BILLS.

Senator Welch asked unanimous consent to withdraw Senate Bill No. 523—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public

works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof.

Consent granted.

Bill withdrawn and ordered stricken from the file.

Senator Luchsinger asked unanimous consent to withdraw Senate Bill No. 564—An Act to add a new section to the Political Code, to be known as Section 2647 of the Political Code, relating to the duties and powers of Boards of Supervisors respecting roads.

Consent granted.

Bill withdrawn and ordered stricken from the file.

Senator Smith of Los Angeles asked unanimous consent to withdraw Senate Bill No. 507—An Act to regulate the practice of architecture.

Consent granted.

Bill withdrawn and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State.

Read third time.

SPECIAL ORDER SET.

On motion of Senator Belshaw, further consideration of Senate Bill No. 392 was made special order for this day at three o'clock and thirty minutes P. M.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING OF BILLS.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Passed on file.

Assembly Bill No. 407—An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion

of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1899.

On motion of Senator Bettman, Assembly Bill No. 407 was referred to Committee on Judiciary.

SECOND READING OF ASSEMBLY BILL—(OUT OF ORDER).

Senator Bettman asked and was granted unanimous consent to take up Assembly Bill No. 669 for immediate consideration.

Assembly Bill No. 669—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof.

Bill read second time, and ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Currier, his notice of motion to reconsider the vote whereby Assembly Bill No. 316—An Act to amend an Act entitled "An Act to provide for incorporation, operation, and management of co-operative associations," approved March 27, 1895—was on a previous day refused final passage, was postponed until next legislative day.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 531—An Act to amend the Code of Civil Procedure, by adding a new chapter to Title X of Part II thereof, to be numbered Chapter VII, embracing Sections 828 to 831*g*, inclusive, relative to actions for divorce.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 531 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Goad, Hoey, Lardner, Luchsinger, Nelson, Oneal, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Passed on file.

Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Passed on file.

Assembly Constitutional Amendment No. 11—Proposing to the people

of the State of California that a new section be added to the Constitution, to be known and designated as Section 8 $\frac{1}{2}$, Article II thereof.

Passed on file.

Assembly Bill No. 504—An Act to amend Section 330 of the Penal Code.

Passed on file.

Assembly Bill No. 503—An Act making an appropriation of \$750 to pay a deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest. [Recommended by Board of Examiners.]

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 503 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Luchsinger, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 67—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Passed on file.

Assembly Bill No. 49—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 331—An Act to amend Section 374 of an Act to establish a Penal Code.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting in Section 1, line four of the printed bill, after the word "to," the words "crimes against."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in Section 1, line thirty-nine of the printed bill, after the words "or bathes in any such," the word "stream," and by inserting a comma immediately after said inserted word "stream."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 690—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fiftieth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 41—An Act to provide for a segregated hospital building, and for further equipping of the Deaf, Dumb, and Blind Asylum at Berkeley.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "July, nineteen hundred and one," in line two, Section 2, first page, printed bill, and inserting in lieu thereof the words "January, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 292—An Act to provide for the payment of P. W. Forbes for costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "immediately," in line one, Section 3, first page, printed bill, and inserting in lieu thereof the words "the first day of January, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 447—An Act making an appropriation to pay claims for conveying children to the Home for Feeble-Minded Children at Eldridge.

During second reading of bill, the following amendment was submitted by Senator Belshaw:

In Section 2, line one, strike out the word "immediately" and insert in lieu thereof the words "January first, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 124—An Act to provide for the construction of a State highway or model wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating money and crushed rock and granite or stone blocks for drains and culverts therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 382—An Act to provide for the appointment of a trustee who shall accept the gift of land, purchase a monument, and properly mark the spot where the Treaty of Cahueiga was made, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 164—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers and the number and compensation of their deputies.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 23—An Act to provide for the quieting and confirmation of titles to real property.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 23.

An Act to add three new sections to the Code of Civil Procedure, relating to the determination of adverse claims to real property.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby added to the Code of Civil Procedure of said State a new section, to be numbered seven hundred and forty-nine, to read as follows:

Section 749. If, in an action to determine an adverse claim to real property, it appears by a verified complaint that the plaintiff, or the plaintiff and his predecessors in interest have been for twenty years prior to filing such complaint, in the actual and exclusive possession of such property in his or their own right, holding and claiming the same adversely to all other persons, and that, in addition to the defendant named in the complaint, there is or may be some other person or persons whose names are unknown to him, who claim some estate or interest in such property adversely

to him, the clerk must issue a summons which must contain the matters required by section four hundred and seven, and, in addition thereto a description of the property, and a direction that all persons claiming any estate or interest therein, appear and answer the complaint within thirty days after the service thereof.

Sec. 2. There is hereby added to the Code of Civil Procedure of said State a new section, to be numbered seven hundred and fifty, to read as follows:

Section 750. The court, at any time after the issuing of the summons mentioned in the preceding section, may make an order that it be served as against all unknown owners and all persons not named in the complaint who claim any estate or interest in the property by posting a copy thereof in a conspicuous place on such property, and by publication for the time and in the manner designated in section four hundred and thirteen. With respect to the defendants whose names are stated in the complaint, the summons must be served as in other cases.

Sec. 3. There is hereby added to the Code of Civil Procedure of said State a new section, to be numbered seven hundred and fifty-one, to read as follows:

Section 751. When summons has been served as provided in the preceding section, and the time for answering has expired, the court has jurisdiction to examine into and determine the legality of plaintiff's title and of the title and claim of all unknown claimants, and of all other persons, and to that end must not enter any judgment by default, but must, in all cases, require evidence of the plaintiff's title and possession, and hear such evidence as may be offered respecting the claim and title of any other person, and must thereafter direct judgment to be entered in accordance with the evidence. The judgment, when entered, is conclusive against all the parties named in the summons, and upon whom it has been served, and also against all unknown claimants, and all other persons, other than this State or the United States, and excepting persons whose title or estate is disclosed by the records in the office of the County Recorder of the county wherein the property is situated, and who have not been made parties to the action.

Substitute read and adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 422—An Act making an appropriation of \$15,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 584—An Act to provide for the location, construction, and maintenance of a State highway commencing at a point in Contra Costa County at or near the residence of W. H. Buckley, on the Fish Ranch Road, and running thence to the western end of what is known as Kennedy's Tunnel, in Alameda County; creating the Alameda-Contra Costa Highway Fund, prescribing the duties of the various officers in connection therewith, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 250—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Assembly Constitutional Amendment No. 9 is ratified by the people.

Passed on file.

ASSEMBLY CONCURRENT RESOLUTION NO. 9.

Relative to the consent of the Legislature to absence from the State for a period not to exceed two months.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California has consented and does hereby consent that Hon. Cornelius W. Pendleton, Speaker of the Assembly, thirty-fourth session, may depart from the State of California at any time during the remainder of his official term, and remain absent for a period not to exceed two months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 9, adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 449—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 93—An Act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 764—An Act to revise the Penal Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out from line three of Section 83 of the printed bill the word "absinthe."

Amendment adopted.

AMENDMENT No. 2.

After line eight of Section 97, page thirty-five, insert the following: "Section 99a. A new section is hereby added to said code, to be numbered 369i, to read as follows:"

Amendment adopted.

AMENDMENT No. 3.

After line nine of Section 369a, page thirty-five of the printed bill, insert the following: "Section 97b. A new section is hereby added to said code, to be numbered 369j, to read as follows:"

Amendment adopted.

AMENDMENT No. 4.

Amend the bill, on page forty-three thereof, by striking out the whole of Section 116.

Amendment adopted.

AMENDMENT No. 5.

In Section 310 of the bill, page one hundred and two, strike from line two the word "fourteen," and in place thereof insert the word "forty-one."

Amendment adopted.

AMENDMENT No. 6.

On page one hundred and nineteen of the bill, second line from the bottom, strike out the figures "648," and insert in place thereof the figures "649."

Amendment adopted.

Bill read second time, ordered to print and third reading.

On motion of Senator Devlin, the Secretary was directed to place Assembly Bill No. 764 at the head of the third-reading file of Assembly bills on Friday, March 8, 1901.

Assembly Bill No. 72—An Act to amend Section 1665 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

Passed on file.

Assembly Bill No. 472—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 565—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 249—An Act to provide for the location, construction, and maintenance of a State highway, connecting the highway system of Santa Barbara County with the highway system of Kern County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 737—An Act making an appropriation of \$2,500 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to repair the boilers in the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 814—An Act creating the office of matron of the jail or prison in and for cities and towns having a population of over twenty thousand, wherein official matrons or their duties are not now provided for by law, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 812—An Act to amend Sections 1912, 1917, 1918, 1920, 1936, 1939, 1946, 1962, 1982, 1984, 1985, 2076, 2077, 2094; to repeal Sections 1981, 1983, 1990, 1992, 2032; and to add a new section, to be known and numbered as Section 1973a, all of and to the Political Code of the State of California, relating to the National Guard.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 198—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "twenty-one," in line three, Section 1, first page, printed bill, and inserting in lieu thereof the word "nineteen."

Amendment lost.

AMENDMENT No. 2.

Amend by striking out the figures "21,000.00" in title, first page, printed bill, and inserting in lieu thereof the figures "19,000.00."

Amendment lost.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 15—Relative to the Humboldt Indian claims—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LAIRD, Chairman.

Assembly Joint Resolution No. 15 ordered on file.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Assembly Bill No. 506—An Act making an appropriation to pay for an air compressor and a turning

lathe for the State prison at Folsom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Assembly Bill No. 506 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of the Governor's veto to Senate Bill No. 185—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor—having arrived, the same was taken up.

The question being, "Shall Senate Bill No. 185 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Tyrrell of San Francisco, and Wolfe—28.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being further consideration of Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State—having arrived, the same was taken up.

Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State.

Having been read third time on this day.

Senator Oneal moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Amend Section 2, line eight, by striking out the period and inserting the following: "; provided, however, that said lease shall contain a provision prohibiting the employment of Japanese or Chinese laborers on any work connected with said property or the improvement thereof."

POINT OF ORDER.

Senator Smith of Kern raised the point of order that the amendment was not germane to the bill, the bill being a proposed Act to ratify a lease already made, while the amendment seeks to inject a condition into a lease, as if it were now being made.

The President declared the point of order well taken.

RECESS.

At the hour of five o'clock and thirty minutes P. M., on motion of Senator Lukens, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard,

Muenter, Nelson, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

Quorum present.

SPECIAL ORDERS RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—having arrived, on motion of Senator Cutter the same was postponed until Thursday, March 7, 1901, at eight o'clock P. M., and was therefore made special order for that date and hour.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto—having arrived, on motion of Senator Lukens the same was postponed until Thursday, March 7, 1901, at three o'clock and thirty minutes P. M., and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State—having been the special order under discussion at the hour of recess, and the other special orders heretofore set for this hour having been disposed of, the same was proceeded with.

Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State.

Having been read third time on this day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Davis moved a call of the Senate.

Time, nine o'clock and twenty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—38.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At nine o'clock and thirty-four minutes p. m., Senator Caldwell was brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and thirty-five minutes p. m., further proceedings under call of the Senate were dispensed with.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 392 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selva, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—28.

NOES—Senators Burnett, Byrnes, Corlett, Cutter, Hoey, Laird, Maggard, Pace, Shortridge, Tyrrell of San Francisco, and Wolfe—11.

Title read and approved.

EXPLANATION OF VOTE.

Senator Ashe presented the following communication, and asked that it be printed in the Journal in explanation of his vote:

SAN FRANCISCO, CALIFORNIA, March 4, 1901.

DEAR SIR: I have the pleasure of informing you that at a joint meeting of the Board of Directors and Trustees of the Chamber of Commerce, Merchants' Association, Manufacturers and Producers' Association, California State Board of Trade, San Francisco Produce Exchange, Merchants' Exchange Association, and Pacific Commercial Museum, all of this city, held in the rooms of the Chamber of Commerce this day, Monday, March 4, 1901, at eleven o'clock a. m., the following resolution was unanimously adopted, and a copy ordered sent to each member of the State Legislature at Sacramento:

Resolved, That we again remind the members of the Legislature of the fact that if the lease to the Santa Fe Railroad Company is not confirmed it will prolong indefinitely the improvement of our harbor, besides being a hardship to our shipping interests, and will deprive thousands of laborers from obtaining employment.

Commending this subject to your courteous consideration, I have the honor to subscribe myself,

Your obedient servant,

E. SCOTT,
Secretary of the Joint Meeting.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 392 was this day passed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 807—An Act to provide one additional judge of the Superior Court of the County of Alameda.

Also: Assembly Bill No. 826—An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 807 and 826 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 189—An Act to amend Section 1276 of the Code of Civil Procedure, relating to change of names—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Assembly Bill No. 189 ordered on file for second reading.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

By Senator Smith of Los Angeles: Senate Concurrent Resolution No. 19—Relative to an appropriation to the "Stephen M. White Memorial Fund."

Ordered to print, and, on motion of Senator Wolfe, referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Leavitt:

Resolved, That the Committee on Enrolled and Engrossed Bills be instructed to return to the Senate, out of order, Substitute for Senate Bill No. 634.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed:

Substitute for Senate Bill No. 634—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fourth session.

NELSON, Chairman.

Substitute for Senate Bill No. 634 ordered on file for third reading.

THIRD READING OF BILL.

Senator Leavitt asked and was granted unanimous consent to take up Substitute for Senate Bill No. 634 for immediate consideration.

Substitute for Senate Bill No. 634—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fourth session.

Read third time.

The question being on the passage of the bill.

The roll was called, and Substitute for Senate Bill No. 634 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

On motion of Senator Leavitt, consideration of Special File of Senate Bills was proceeded with.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Senator Davis moved to refer to Senator Smith of Kern, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines three hundred and fifty-six to three hundred and sixty and one half, pages ten and eleven of the printed bill, the following words: "Said board shall not lease to, or permit any corporation or association, or any person or persons, to lay down any track or tracks, for railways, other than street railways used and maintained for the carriage of passengers only, along any of the property described herein, or on any portion of the water-front of San Francisco, under any condition whatever."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California—with instructions to amend, respectfully reports the same back, amended as per instructions.

S. C. SMITH, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

NOTICES OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Tyrrell of Nevada, his notice of motion to reconsider the vote whereby Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage—was on a previous day passed, was postponed until next legislative day.

On motion of Senator Laird, his notice of motion to reconsider the vote whereby Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor—was on a previous day passed, was postponed until next legislative day.

SPECIAL ORDER SET.

On motion of Senator Laird, consideration of his motion to reconsider the vote whereby Senate Bill No. 553 was on a previous day passed was made special order for Thursday, March 7, 1901, at three o'clock and thirty minutes P. M., immediately following the other special order set for that day and hour.

ADJOURNMENT.

At nine o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 7, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Nell, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Pace, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—30.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Wednesday, March 6, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Saturday, March 2, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Caldwell was granted leave of absence until two-o'clock P. M. of this day, on motion of Senator Belshaw.

PETITION.

The following petition was presented by Senator Devlin and ordered printed in the Journal down to and including the tenth name:

To the HON. R. T. DEVLIN, Senator representing Senatorial District No. 13:

DEAR SIR: A bill was presented in the Legislature at Sacramento by Senator Nelson of San Francisco, on or about January 29, 1901, in relation to the collection of a license tax on the business of selling liquors. The provisions of this bill are such (especially Sections 3 and 4) that if passed by the Legislature each city and county in the State will be handed over into the power of one man in each of these communities, viz: the tax collector. To pass such a measure, irrespective of the sentiments of these several communities on the question of license or no license, would be, we consider, both un-American and unjust. We, therefore, your constituents, request that you vote against this bill, to the end that it may not become a law.

Jas. Gibson, Stephen E. Kieffer, J. E. Holst, E. L. Cosby, T. C. Fitch, S. I. Osgood, Joseph Broadley, C. H. Liddall, J. MacBride, Geo. F. Ingraham, and thirty-nine others (of Fair Oaks, Cal.).

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1901

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 637—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor.

Also: Passed Assembly Bill No. 625 (Committee Substitute for Assembly Bill No. 502)—An Act to amend Sections 626, 627, and 631 of the Penal Code of the State of California, to add seventeen new sections to said code, to be numbered 626a, 626b, 626c, 626d, 626e, 626f, 626g, 626h, 626i, 626j, 626k, 626l, 626m, 627a, 627b, 631a, and 631b, all relating to the preservation of game, and to create a Game Preservation Fund, and to appropriate the moneys in said fund.

Also: Passed Senate Bill No. 473—An Act adding a new section to the Political Code

of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods.

Also: Passed Senate Bill No. 365—An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State.

Also: Adopted Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section No. 13, relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts) within said State.

Also: Adopted Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Also: Passed Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Also: Concurred in Senate amendments to Assembly Bill No. 683—An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections.

Also: Passed Assembly Bill No. 423—An Act making an appropriation of \$4,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a concrete sidewalk along California and Park streets, in the City of Stockton, around the lands of this State occupied by the Stockton State Hospital.

Also: Concurred in Senate Amendment No. 2 to Assembly Bill No. 515—An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897.

Also: Refused to concur in Senate Amendment No. 1 thereto, and respectfully ask that your honorable body recede therefrom.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 637 ordered to enrollment.

Assembly Bill No. 625 (Committee Substitute for Assembly Bill No. 502) read first time, and referred to Committee on Fish and Game.

Senate Bills Nos. 473, 365, and 557 ordered to enrollment.

Senate Constitutional Amendments Nos. 3 and 6 ordered to enrollment.

Senator Currier moved that the Senate recede from its amendment to Assembly Bill No. 515.

The question then being, "Shall the Senate recede from its amendment to Assembly Bill No. 515?"

The roll was called, and the Senate receded from its amendment to Assembly Bill No. 515 by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Selvaige, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, and Welch—23.

NOES—Senators Tyrrell of San Francisco, and Wolfe—2.

Whereupon the Secretary was directed to inform the Assembly that the Senate receded from its amendment to Assembly Bill No. 515.

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That the State Printer be and he is hereby authorized to print for the use of the Senators 2,000 copies of Substitute Senate Bill No. 138, as finally amended; the Controller is hereby authorized to draw his warrant in favor of the State Printer for the sum of \$300, payable from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Assembly Bill No. 520—An Act to provide for the protection and preservation of public highways

and property adjacent thereto, from damage by storm-water and floods, and to authorize the formation of districts and the levy of taxes therein, and to authorize the expenditure of public moneys and the exercise of the right of eminent domain for such purposes, and to repeal an Act entitled "An Act to provide for the protection and preservation of public highways from damage by storm-water and floods, and to authorize the expenditure of public moneys for the purposes thereof," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Assembly Bill No. 520 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms, J. L. Martin, for the sum of \$566.42 in payment of the following several bills, and the Treasurer is hereby directed to pay the same:

John Breuner Co., furniture and covering forty-eight desks.....	\$448 55
William Carragher, writing bulletin board.....	10 00
Pacific Telegraph Cable Co., Senate Joint Resolution No. 9.....	80 82
Mrs. E. Smith, washing towels.....	8 40
Sunset Telephone Co. (two bills).....	12 65
Capital Telephone Co.....	6 00

Total	\$566 42
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FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Pace, Rowell, Selvage, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—22.
 NOES—None.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced:

By Senator Goad: Senate Concurrent Resolution No. 20—Relating to the consent of the Legislature to the absence of the Governor of the State, Hon. Henry T. Gage, from the State for periods not exceeding in the aggregate six months.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering Senate Concurrent Resolution No. 20.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Rowell, Simpson, Sims, and Tyrrell of San Francisco—24.
 NOES—None.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION.

By Senator Goad:

SENATE CONCURRENT RESOLUTION No. 20.

Relating to consent of the Legislature to the absence of the Governor of the State, Hon. Henry T. Gage, from the State for periods not exceeding in the aggregate six months.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that the Governor of the State of California, the Hon. Henry T. Gage, may depart from the State of California at such times as he may choose, or as necessity may require, during the remainder of his official

term; *provided*, that the periods of such absence do not exceed three months during any one year.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 20 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Constitutional Amendments Nos. 11, 15, and 16, having arrived, on motion of Senator Davis the same was postponed until Monday, March 11, 1901, immediately following regular order of reports of standing committees, and was therefore made special order for that date and hour.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 609—An Act to define express companies, and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.
Passed on file.

Assembly Bill No. 807—An Act to provide an additional Judge of the Superior Court for the County of Alameda.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 569—An Act to execute and carry into effect Section 3 of Article XXII of the Constitution of the State of California.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting before the word "such," in line nine, Section 2, second page, printed bill, the word "and."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 602—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 595—An Act to build and provide for the furnishing of a cottage upon the grounds of Agnews State Hospital, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 595 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Davis, Devlin, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 537—An Act to amend Section 3519 of the Political Code of the State of California, relating to swamp and overflowed land.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 537 refused passage by the following vote:

AYES—Senators Belshaw, Davis, Devlin, Goad, Laird, Lardner, Luchsinger, and Selvage—8.

NOES—Senators Ashe, Burnett, Byrnes, Corlett, Greenwell, Hoey, Maggard, Nelson, Oneal, Pace, Plunkett, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—18.

Senate Bill No. 355—An Act providing for the submission and enactment of ordinances by a direct vote of the qualified voters of counties, cities, and towns.

Passed on file.

Assembly Bill No. 505—An Act defining what moneys constitute the Contingent Fund of the California Home for the Care and Training of Feeble-Minded Children, and providing for the expenditures thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 332—An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 332 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Curtin, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 546—An Act to declare the Alturas and Lakeview Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 546 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Nutt, Oneal, Plunkett, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—21.

NOES—Senators Curtin, Goad, Luchsinger, and Smith of Kern—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 50 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Oneal, Plunkett, Selvage, Simpson, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 472—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 472 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Currier, Curtin, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Muentner, Nutt, Oneal, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 486—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "of," before the word "either," in line seven, first page, printed bill, and inserting in lieu thereof the word "or."

Amendment lost.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 412—An Act making an appropriation of money for the purchase of one hundred and sixty acres of additional land for use of the Napa State Hospital at Napa.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend line one, Section 1, to read "six thousand dollars," instead of "ten thousand dollars."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "immediately," and inserting in lieu thereof the words "January one, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 628—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 644—An Act to amend Sections 2641, 2642, 2643, and 2645 of the Political Code of the State of California, and to add new

sections thereto, to be known as and numbered Sections 2646, 2646a, 2646b, 2646c, 2646d, 2646e, and 2646f, relating to abolishing the office of Road Commissioner, and creating the office of Roadmaster.

During second reading of bill, the following amendments were offered by Senator Belshaw:

Amend by striking out the word "supervisor," in line twelve, Section 1, page two of the printed bill, and inserting in lieu thereof the word "road."

Amendment adopted.

Also:

Amend by striking out the word "January," in line five, Section 2, page two, and inserting in lieu thereof the word "May."

Amendment adopted.

Also:

Amend by striking out the word "three," in line five, Section 2, page two, and inserting in lieu thereof the word "one."

Amendment adopted.

Also:

Amend by inserting after the word "each," in line forty-one, Section 4, page three, the word "full."

Amendment adopted.

Also:

Amend by striking out all the words from and after the word "him," in line forty-one, Section 4, page three, to and including the word "year," in line forty-two, Section 4, page three.

Amendment adopted.

Also:

Amend by striking out the word "supervisor," in line five, Section 5, page three, and inserting in lieu thereof the word "road."

Amendment adopted.

Also:

Amend by inserting after the word "county," in line five, Section 5, page three, the words "within sixty days after the passage of this Act."

Amendment adopted.

Also:

Amend by striking out the words "each year," in line six, Section 5, page three, and inserting in lieu thereof the words "every second year thereafter."

Amendment adopted.

Also:

Amend by striking out the period after the word "election," in line nine, Section 5, page four, and inserting the following: "provided, that the roadmasters first elected under the provisions of this Act shall take office on May first, nineteen hundred and one, and hold office until April first, nineteen hundred and three."

Amendment adopted.

Also:

Amend by striking out all the words from and after the word "open," in line nine, Section 6, page four, to and including the word "election," in line thirteen, Section 6, page four, and inserting after the word "open" a period.

Amendment adopted.

Also:

Amend by striking out the word "supervisor," in line five, Section 7, page four, and inserting in lieu thereof the word "road."

Amendment adopted.

Also:

Amend by striking out the word "supervisor," in line five, Section 8, page four, and inserting in lieu thereof the word "road."

Amendment adopted.

Also:

Amend by striking out the word "supervisor," in line sixteen, Section 9, page five, and inserting in lieu thereof the word "road."

Amendment adopted.

Also:

Amend by striking out all the words from and after the comma following the word "polls," in line five, Section 10, page five, to and including the word "office," in line nine, Section 10, page five, and inserting in lieu thereof the following: "and the ballots cast, together with the poll-list and tally-list made by the said officers at such election, shall then be placed in an envelope and sealed in the presence of said officers, and returned to the Clerk of the Board of Supervisors, and the Board of Supervisors, at their next regular meeting, shall publicly canvass the returns of such election, and order the County Clerk to issue certificates of election to the person or persons elected, which must, with the oath of office attached, be filed in the office of the Clerk of the Board of Supervisors. Upon the returns being canvassed by the Board of Supervisors, the Clerk of the Board of Supervisors shall notify, in writing, all persons of their election."

Amendment adopted.

Also:

Amend by inserting after the word "of," in line seven, Section 11, page five, the words "the certificate of election, with the oath of office attached, and."

Amendment adopted.

Also:

Amend by adding a new section, as follows:

"Sec. 12. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and qualification of certificates to qualified applicants, with the designation of "Certified Public Accountant"; and to provide the grade of penalty for violations of the provisions hereof.

During second reading of bill, the following amendment was offered by Senator Ashe:

On page one, Section 1, line two, strike out the words "competent and skilled public accountants who should have been in practice as such in this State for not less than five years," and insert in lieu thereof the words: "persons, at least three of whom shall be competent and skilled public accountants who shall have been in practice as such in this State for not less than five consecutive years."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Muentert, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 379—An Act prescribing the conditions upon which corporations organized under the laws of any State or country, other than the State of California, may be permitted to transact a telephone business, other than an interstate telephone business, within the State of California, and prescribing the penalties for a violation of this Act.

Also: Assembly Bill No. 109—An Act to amend Sections 1186, 1187, and 1188 of the Political Code of the State of California, relating to political conventions, nominations, and political committees.

Also: Assembly Bill No. 433—An Act to amend Section 1670 of the Political Code of the State of California, relating to high schools.

Also: Senate Bill No. 627—An Act to authorize and empower the State Board of Prison Directors to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold.

Also: Senate Bill No. 634—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fourth session.

Also: Assembly Bill No. 615—An Act to provide for the erection of water towers and tanks on the grounds of Agnews State Hospital, and appropriating money therefor.

Also: Assembly Bill No. 272—An Act making an appropriation for the erection of a workshop at the home of the "Industrial Home of Mechanical Trades for the Adult Blind."

Also: Struck out the enacting clause of Committee Substitute for Senate Bills Nos. 93 to 101—An Act to amend Sections 3629, 3632, 3638, 3649, 3716, 3771, 3807, 3884, and 3889 of the Political Code of the State of California, relating to the assessment and collection of taxes.

Also: Passed Assembly Bill No. 793—An Act to amend the Political Code by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Also: Amended, and adopted as amended, Senate Concurrent Resolution No. 18—Relative to consideration of Senate and Assembly bills on March 8, 1901.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Bill No. 379 read first time, and referred to Committee on Corporations.

Assembly Bill No. 109 read first time, and referred to Committee on Elections.

Assembly Bill No. 433 ordered on file without reference to committee, on motion of Senator Muentner.

Senate Bills Nos. 627 and 634 ordered to enrollment.

Assembly Bill No. 615 read first time, and referred to Committee on Finance.

Assembly Bill No. 272 read first time, and referred to Committee on Finance.

Assembly Bill No. 793 read first time, and referred to Committee on Elections.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 18?"

"Provided, however, that all Senate bills now on the file in the Assembly shall be considered at the morning and afternoon sessions of the Assembly only."

The roll was called, and Assembly amendment to Senate Concurrent Resolution No. 18 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Nelson, Oneal, Plunkett, Rowell, Selva, Simpson, Smith of Kern, Smith of Los Angeles, Welch, and Wolfe—24.

NOES—None.

Senate Concurrent Resolution No. 18 ordered to enrollment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 603—An Act amending Section 1521 of the Political Code by adding new subdivisions thereto, relating to the State Board of Education: providing for the appointment of a Text-Book Commissioner, and the formation of a Board of Text-Book Commissioners; prescribing their duties, and fixing their compensation; providing for the publication of a uniform series of text-books; providing for the use of same in the

common schools of the State; making an appropriation, and authorizing the use of money derived from sale of text-books for carrying out the purpose of this Act; repealing Sections 1519, 1663, 1665, 1666, and 1874 of the Political Code—have had the same under consideration, and respectfully report the same back with a committee substitute, and recommend that it do pass.

LARDNER, Chairman.

SPECIAL ORDER SET.

On motion of Senator Leavitt, consideration of Senate Bill No. 603 was made special order for this day at three o'clock and thirty minutes P. M., to follow the other special order already set for that hour.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897—report that we have met a like committee of the Assembly, consisting of Assemblymen Knowland, Bliss, and Stewart, and we report that the conference committee agreed upon and recommend that the Senate concur in Assembly Amendments Nos. 1, 2, 4, and 5, and that the Assembly recede from Assembly Amendment No. 3.

TAYLOR,
SMITH,
LEAVITT,

Senate Committee of Conference.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Davis, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Nutt, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—21.

NOES—None.

THIRD READING OF BILLS.

Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Read third time, and passed on file.

Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Passed on file.

Committee Substitute for Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

Passed on file.

Senate Bill No. 245—An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Byrnes moved a call of the Senate.

Motion carried.

Time, twelve o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Oneal.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 245 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senators Ashe, Cutter, Goad, Luchsinger, Selvage, Shortridge, Sims, and Taylor—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 245 was this day passed.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

The following concurrent resolution was introduced:

By Senator Leavitt: Senate Concurrent Resolution No. 21—Relative to the consent of the Legislature of absence from the State of Lieutenant-Governor J. H. Neff, for a period not exceeding six months.

SUSPENSION OF RULES.

Senator Leavitt moved that the rules be suspended for the purpose of immediately considering Senate Concurrent Resolution No. 21.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

SENATE CONCURRENT RESOLUTION NO. 21.

Relative to the consent of the Legislature of absence from the State of Lieutenant-Governor J. H. Neff, for a period not exceeding six months.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that Lieutenant-Governor J. H. Neff may depart from the State of California at any time during the remainder of his official term as Lieutenant-Governor, and remain absent for a period not to exceed six months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 21 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Rowell, Selvaige, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 625—An Act to amend Sections 626, 627, and 631 of the Penal Code of the State of California, to add seventeen new sections to said code, to be numbered 626a, 626b, 626c, 626d, 626e, 626f, 626g, 626h, 626i, 626j, 626k, 626l, 626m, 627a, 627b, 631a, and 631b, all relating to the preservation of game, and to create a Game Preservation Fund, and to appropriate the moneys in said fund—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

J. G. TYRRELL, Chairman.

Assembly Bill No. 625 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 285—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State.'"

Senate Bill No. 562—An Act entitled "An Act to amend an Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto, enlarging the powers of Boards of Directors of such districts.

Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, wood-working and carpenter shop, and for the necessary machinery for equipping and operating the same at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Senate Bill No. 463—An Act to amend Section 3819 of the Political Code of the State of California, relating to revenue and taxation.

Senate Bill No. 589—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Senate Bill No. 404—An Act making an additional appropriation for the repairing, renovating, and improving the buildings and grounds of the State Normal School at San José, Santa Clara County, California.

Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious adulterants.

Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Myers' Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Senate Bill No. 549—An Act to amend Sections 7 and 8 of the Civil Code of the State of California, relating to legal holidays.

Senate Bill No. 550—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to legal holidays.

Senate Bill No. 551—An Act to amend Sections 10, 11, and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days.

Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water-front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

Also: Have examined and found the following bills correctly reëngrossed :

Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society, for the purpose of making certain improvements, alterations, and additions upon the grounds of said society.

Also: Have examined the following Senate bills:

Senate Constitutional Amendment No. 4—Proposed constitutional amendment permitting State aid for high schools and technical schools.

Substitute for Senate Bill No. 138—An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution by adding to Article IV thereof a new section, to be known as 25½, relating to the division of the State into fish and game districts.

Senate Bill No. 7—An Act to provide for the joint investigation with the Federal Government of the water resources of the State and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigation.

Senate Bill No. 406—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Yolo and Sacramento counties the fortieth district.

Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Senate Bill No. 560—An Act requiring corporations organized under the laws of another State, territory, or foreign country to file a certified copy of their articles of incorporation in the office of the Secretary of State, and a certified copy thereof duly certified by the Secretary of State of this State in the office of the County Clerk of the county where its principal place of business is located, and also where such corporation owns property, and requiring such corporation to pay to the Secretary of State the same fees as are paid by corporations formed under the laws of the State of California, and providing for a penalty for the violation of the provisions of this Act.

Senate Bill No. 118—An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor.

Senate Bill No. 298—An Act to amend Section 379 of the Code of Civil Procedure.

Senate Bill No. 260—An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School of San Diego, and making an appropriation therefor.

Senate Bill No. 46—An Act to amend the Code of Civil Procedure of this State by adding one new section thereto, to be numbered 1975, relating to the proof of proceedings of municipal corporations.

Substitute for Senate Bill No. 216—An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies.

Senate Bill No. 651—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of real property situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro, Los Angeles & Salt Lake Railroad Company for the purposes of a right of way and depot grounds for a steam railroad.

Senate Bill No. 652—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fourth session of the Legislature.

Committee Substitute for Senate Bills Nos. 311 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled

"An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder.

Senate Bill No. 592—An Act to amend an Act entitled "An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the payment of such bonds, and for proceedings to test the validity of same, approved April 1, 1897, by repealing Sections 5, 6, 7, 8, 9, and 10, and by amending Sections 4, 16, and 18 thereof.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 7th day of March, 1901, at ten o'clock and thirty-five minutes A. M.

NELSON, Chairman.

Senate Bills Nos. 285, 562, 518, 463, 580, 404, 607, 224, 549, 550, 551, and 396 ordered on file for third reading.

Senate Bills Nos. 248, 264, and 542 ordered on file for passage.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Welch—23.

Quorum present.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Laird asked unanimous consent to withdraw Senate Bill No. 526—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year—and to substitute on file therefor Senate Bill No. 647—An Act appropriating \$1,200, the amount heretofore appropriated to Agricultural District No. 43, comprising the County of Lassen, by an Act entitled "An Act making appropriations for the support of the government of the State of California for the fifty-first and fifty-second fiscal years," approved March 17, 1899.

An objection being made, the roll was called, and consent granted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Plunkett, Simpson, Sims, Taylor, Tyrell of San Francisco, Welch, and Wolfe—23.

NOES—None.

Senate Bill No. 526 withdrawn and ordered stricken from the file, and Senate Bill No. 647 substituted therefor on file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING OF BILLS.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Passed on file.

Assembly Bill No. 669—An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 669 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Passed on file.

Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Passed on file.

Assembly Constitutional Amendment No. 11—Proposing to the people of the State of California that a new section be added to the Constitution, to be known and designated as Section 8½, Article II thereof.

Passed on file.

Assembly Bill No. 504—An Act to amend Section 330 of the Penal Code.

Read third time.

Senator Cutter moved to refer to Senator Maggard, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line ten, the word "or," between the words "representative" and "value," and inserting the word "of."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 504—An Act to amend Section 330 of the Penal Code—with instructions to amend, respectfully reports the same back, amended as per instructions.

MAGGARD, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and on file for passage.

Assembly Bill No. 49—An Act to permanently locate the boundary line between the counties of Shasta and Plumas.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 49 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentert, Plunkett, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, and Tyrrell of San Francisco—23.
NOES—Senator Burnett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Selvage, the notice of motion of Senator Tyrrell of Nevada to reconsider the vote whereby Senate Bill No. 179—An Act to establish a law uniform with the laws of other States relative to divorce procedure and divorce from the bonds of marriage—was passed, was postponed until next legislative day.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 331—An Act to amend Section 374 of an Act to establish a Penal Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 331 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Muentert, Nelson, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 690—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 690 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Laird, Lardner, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 41—An Act to provide for a segregated hospital building, and for further equipping of the Deaf, Dumb, and Blind Asylum at Berkeley.

Read third time.

Senator Leavitt moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

Amend by inserting in the enacting clause, after the word "of," the words "the State of."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 41—An Act to provide for a segregated hospital building, and for further equipping of the Deaf, Dumb, and Blind Asylum at Berkeley—with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and on file for passage.

Assembly Bill No. 292—An Act to provide for the payment of P. W. Forbes for costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 292 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Plunkett, Rowell, Selvage, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 447—An Act making an appropriation to pay claims for conveying children to the Home for Feeble-Minded Children at Eldridge.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 447 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 124—An Act to provide for the construction of a State highway or model wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating money and crushed rock and granite or stone blocks for drains and culverts therefor.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Devlin moved a call of the Senate.

Time, three o'clock and seven minutes P. M.

Motion lost.

Whereupon the President announced Assembly Bill No. 124 refused final passage by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Currier, Davis, Laird, Lardner, Leavitt, Lukens, Oneal, Plunkett, Selvage, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—16.

NOES—Senators Burnett, Byrnes, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Luchsinger, Maggard, Nelson, Nutt, Rowell, Simpson, Sims, and Smith of Kern—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Devlin gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 124 was this day refused passage.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 382—An Act to provide for the appointment of a trustee who shall accept the gift of land, purchase a monument, and properly mark the spot where the Treaty of Cahuenga was made, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 382 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Lardner, Leavitt, Lukens, Muentner, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—24.

NOES—Senators Belshaw, Cutter, Goad, Luchsinger, Nelson, and Sims—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 164—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers, and the number and compensation of their deputies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 164 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23—An Act to provide for the quieting and confirmation of titles to real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 23 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Currier, Curtin, Cutter, Devlin, Goad, Laird, Lardner, Leavitt, Luchsinger, Nutt, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Wolfe—21.

NOES—Senator Burnett—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township govern-

ments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto—having arrived, the same was taken up.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Bill partially read second time on a previous day.

During further second reading of bill, the following amendments were offered:

By Senator Cutter:

On page two, Section 3, line one, after the word and figure "Sec. 3," insert the following: "Section fifty-four of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:"

Amendment adopted.

By Senator Smith of Kern:

Amend Section 4, line eight, by inserting after the word "recorders," the words "and marshals are appointed or."

Also: By inserting in Section 4, line nine, after the word "peace," the words "and one constable."

Amendments adopted.

By Senator Simpson:

On page nine, Section 7, by striking out all thereof and substituting the following:

"SEC. 7. Section one hundred and fifty-nine of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

"Section 159. In counties of the second class the county and township officers shall receive, as compensation for the services required of them by law, the following salaries, to wit:

"1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; two registry clerks, at a salary of one hundred and twenty-five dollars each per month; one clerk of the board of supervisors, at a salary of one hundred and twenty-five dollars per month; and six court-room clerks, at a salary of one hundred and fifteen dollars each per month; one recording clerk, one file clerk, one index clerk, one clerk in charge of criminal records, at ninety dollars each per month; two miscellaneous clerks and one assistant clerk of the board of supervisors, at a salary of ninety dollars each per month; one clerk, at a salary of ninety dollars per month; one clerk, at a salary of forty-five dollars per month; one deputy, at a salary of twenty-five dollars per month; six clerks, at a salary of seventy dollars each per month, for not exceeding one month for any one year. The salaries of the deputies and clerks herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

"2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the sheriff an under sheriff and the following deputies and stenographers, who shall be appointed by the sheriff of said county, and shall be paid salaries as follows: One under sheriff, at a salary of one hundred and thirty-five dollars per month; one bookkeeper, at a salary of one hundred and twenty-five dollars per month; eight deputies, at a salary of ninety dollars each per month; six court deputies, at a salary of ninety dollars each per month; four jail deputies, at a salary of seventy dollars each per month; one deputy, at a salary of fifty dollars per month; one jail matron, at a salary of fifty dollars per month; one stenographer, at a salary of sixty dollars per month. The salaries of the under sheriff and all deputies and stenographers herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

"3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the fol-

lowing deputies and copyists, who shall be appointed by the recorder of said county, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; two deputies, at a salary of ninety dollars each per month; two deputies, at a salary of eighty-five dollars each per month; four deputies, at a salary of eighty dollars each per month; two deputies at a salary of seventy-five dollars each per month, not to exceed four months in any one year; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio for recording any instrument or notice, except maps or plats; for copies of any record or paper, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

"4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies and clerks, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; one deputy, at a salary of one hundred and twenty-five dollars per month; one deputy, at a salary of one hundred and ten dollars per month; three deputies, at a salary of eighty dollars each per month; and forty clerks, at a salary of seventy-five dollars each per month, not to exceed one month each in any one year, and such additional assistance as the auditor may require, and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred and fifty dollars in any one year. The salaries of the chief deputy, deputies, and clerks herein provided for shall be paid by the county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the auditor.

"5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer one chief deputy, who shall be appointed by the treasurer, and shall be paid a salary of one hundred and thirty-five dollars per month; also one deputy, at a salary of one hundred and fifteen dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the treasurer.

"6. The tax collector, three thousand six hundred dollars per annum; which shall be full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies and clerks, who shall be appointed by the tax collector, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; one report clerk, at a salary of one hundred and ten dollars per month; one cashier, one report clerk, one general clerk, at a salary of one hundred dollars each per month; one corresponding clerk, at a salary of ninety dollars per month, one license clerk, at a salary of ninety dollars per month, and two license inspectors, at a salary of seventy-five dollars each per month; three clerks, at a salary of seventy-five dollars each per month; one clerk, at a salary of ninety dollars per month, not to exceed four months in any one year; thirty-four clerks, at a salary of seventy-five dollars each per month, not to exceed four months each in any one year. There is also allowed not to exceed four hundred dollars for traveling expenses for the license tax collector each year. The salaries of the chief deputy and all the clerks and deputies herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector.

"7. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies and employes, who shall be appointed by the district attorney of said county, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and seventy-five dollars per month; two deputies, at a salary of one hundred and fifty dollars each per month; two deputies, at a salary of one hundred dollars each per month; one stenographer, at a salary of one hundred dollars per month, and one detective, at a salary of one hundred dollars per month, who shall assist the district attorney in the detection of crime and the prosecution of criminal cases; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said county require it. The salaries of the deputies, stenographer, special counsel and detective herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney.

"8. The assessor, three thousand six hundred dollars per annum, which shall be full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies and clerks, who shall be appointed by the assessor, and shall be paid salaries as follows: One chief deputy, at one hundred and thirty-five dollars per month; one second deputy, at a salary of one hundred and fifteen dollars per month; one valuation clerk, at a salary of eighty-five dollars per month; one transfer clerk, at a salary of eighty-five dollars per month; twenty field deputies for not exceeding one month in any one year, at a salary of one hundred dollars each per month; twenty-five field deputies for not exceeding three months in any one year, at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding

three months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; four clerks for not exceeding four months in any one year, at a salary of ninety dollars each per month; one clerk for not exceeding three months in any one year, at a salary of ninety dollars per month; nineteen clerks for not exceeding four months in any one year, at a salary of eighty dollars each per month; four clerks and one stenographer not to exceed four months in any one year, at a salary of sixty dollars each per month; five clerks for not exceeding four months in any one year, at a salary of eighty dollars each per month; fifteen clerks, copyists, and indexers for not to exceed four months in any one year, at a salary of sixty dollars each per month, and one messenger for not exceeding four months in any one year, at a salary of thirty dollars per month. The salaries of the deputies, stenographer, and clerks herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county assessor is paid. It is hereby further provided, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; *provided, however*, that fifteen per cent of all money collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the State, and remain the property of such counties.

"9. The coroner, three thousand dollars per year and his actual necessary traveling expenses when traveling outside of the county seat. He must hold inquests, as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post mortem examination of the deceased, and give his professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, as now provided by law.

"10. The public administrator, three thousand dollars per annum.

"11. The superintendent of schools, three thousand dollars per annum, which shall be in full for all services including attendance upon the board of education, and actual necessary traveling expenses, not to exceed five dollars each for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one assistant and one deputy, who shall be appointed by the superintendent of schools of said county, and shall be paid salaries as follows: One assistant, at a salary of one hundred and ten dollars per month; one deputy, at a salary of one hundred dollars per month; one clerk, at a salary of seventy-five dollars per month. The salaries of the assistant and deputy herein provided for shall be paid by the county in the same manner and at the same time and out of the same fund as the superintendent of schools is paid.

"12. The health officer, one thousand two hundred dollars per annum, and special health officers, when appointed as in this act provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salary of the health officer and special health officers shall be paid by the county in the same manner and at the same time as other county officers are paid.

"13. The surveyor, ten dollars per day for all work performed, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy and seven draughtsmen, who shall be appointed by the surveyor of said county, and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and thirty-five dollars per month; six draughtsmen, at a salary of one hundred dollars each per month; and one draughtsman, at a salary of seventy-five dollars per month. The salaries of the chief deputy and the draughtsmen herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner as the deputies of other county officers are paid.

"14. Supervisors, one thousand eight hundred dollars per annum, together with mileage, at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate five hundred dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization.

"15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each

month to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with their said report; *provided further*, that the boards of supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justice's court; *and provided further*, that the boards of supervisors in said counties and in townships having more than thirty-five thousand inhabitants, shall, upon the recommendation of the township justice or justices, appoint a clerk for the justice's court, which clerk shall hold office for the term of two years from and after his appointment, and shall receive a salary of one hundred dollars per month, payable in like manner, at like times and out of the same fund as county officers are paid, by the county; said clerk shall take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerk shall perform such other clerical service as may be required of him by the justice or justices.

"16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be made parties; and no claim of any such constable, in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such constable, on the account aforesaid, shall belong to and be the property of the county in which such constable has been elected or appointed; *provided*, that constables shall be allowed their actual fare expended in transferring prisoners to the county jail. And each of said constables shall report under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board, with his said report.

"17. In counties of this class, the official reporter of each department of the superior court shall receive, as full compensation for taking notes in said court, a monthly salary of two hundred dollars, payable out of the county treasury at the same times and in the same manner as the salaries of county officers. He shall, without further compensation, act as amanuensis to the judge of such department of the superior court. For transcription of his shorthand notes, said reporter shall receive ten cents per folio of one hundred words for the original and half that sum per folio for each copy made at the same time, to be paid, in criminal cases, out of the county treasury upon order of the court, and in civil cases by the party ordering the same; or, if ordered by the court, to be paid by the parties in such proportion as the court may direct; and when, in civil cases, transcript is made by order of the court, the portion of the fees therefor paid by the prevailing party shall be taxed as costs in the case. In each civil case in which the services of the reporter are required, the sum of six dollars per diem for each day of the trial thereof shall be paid to the clerk of the court, in advance, one half by each party, or in such other proportion as the court may direct; *provided*, that where the services of the reporter are required in a case consuming no more than one half day's session of court, the amount so paid shall be three dollars. All per diem fees so collected shall be paid by the clerk into the treasury of the county. The portion of the per diem fees in each case paid by the prevailing party shall be taxed as costs in the case.

"Sec. 3. This Act shall take effect immediately as to the compensation of all the foregoing officers, and as to all other matters herein."

The following substitute for the above amendments by Senator Simpson was offered by Senator Currier:

Amend by striking out from and including line five, Section 7, page ten, printed bill, to and including line two hundred and ninety-five, same section, page seventeen, and inserting in lieu thereof the following:

"Section 159. In counties of the second class the county and township officers shall receive, as compensation for the services required of them by law, the following salaries, to wit:

"1. The county clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; two registry clerks at a salary of one hundred and twenty-five dollars each per month; one clerk of the board of supervisors at a salary of one hundred and twenty-five dollars per month, and six court-room clerks at a salary of one hundred and fifteen dollars each per month; one recording clerk, one file clerk, one index clerk, one clerk in

charge of criminal records, at eighty dollars each per month; one miscellaneous clerk and one assistant clerk of the board of supervisors at a salary of ninety dollars each per month; one clerk at a salary of seventy-five dollars per month; one clerk at a salary of forty-five dollars per month; one deputy at a salary of twenty-five dollars per month; six clerks at a salary of seventy dollars each per month, for not exceeding one month for any one year. The salaries of the deputies and clerks herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

"2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the sheriff an under sheriff and the following deputies and stenographers, who shall be appointed by the sheriff of said county, and shall be paid salaries as follows: One under sheriff at a salary of one hundred and twenty-five dollars per month; one bookkeeper at a salary of one hundred and twenty-five dollars per month; eight deputies at a salary of ninety dollars each per month; six court deputies at a salary of ninety dollars each per month; four jail deputies at a salary of seventy dollars each per month; one jail matron at a salary of fifty dollars per month; one stenographer at a salary of sixty dollars per month. The salaries of the under sheriff and all deputies and stenographers herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be a charge against the county, and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

"3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder of said county, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; two deputies at a salary of ninety dollars each per month; two deputies at a salary of eighty-five dollars each per month; four deputies at a salary of eighty dollars each per month; two deputies at a salary of seventy-five dollars each per month, not to exceed four months in any one year; and as many copyists as may be required, who shall receive as compensation for their services the sum of five and one-half cents per folio for recording any instrument or notice, except maps or plats; for copies of any record or paper, five cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

"4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies and clerks, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred and ten dollars per month; one deputy at a salary of ninety dollars per month; two deputies at a salary of eighty dollars each per month; and forty clerks at a salary of seventy-five dollars each per month, not to exceed one month each in any one year, and such additional assistance as the auditor may require, and whose compensation in the aggregate shall not exceed the sum of seven hundred and fifty dollars in any one year. The salaries of the chief deputy, deputies, and clerks herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the auditor.

"5. The treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer one chief deputy, who shall be appointed by the treasurer, and shall be paid a salary of one hundred and twenty-five dollars per month, also one deputy at a salary of ninety dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner and out of the same fund as the salary of the treasurer.

"6. The tax collector, three thousand dollars per annum; which shall be full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies and clerks, who shall be appointed by the tax collector, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; one cashier, two report clerks, one general clerk, at a salary of one hundred dollars each per month; one corresponding clerk at a salary of ninety dollars per month; one license clerk at a salary of ninety dollars per month; and two license inspectors at a salary of seventy-five dollars each per month; three clerks at a salary of seventy-five dollars each per month; one clerk at a salary of ninety dollars per month, not to exceed four months in any one year; thirty-four clerks at a salary of seventy-five dollars each per month, not to exceed four months each in any one year. There is also allowed not to exceed four hundred dollars for traveling expenses for the license tax collector each year. The salaries of the chief deputy and all the clerks and deputies herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector.

"7. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the

following deputies and employes, who shall be appointed by the district attorney of said county, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and seventy-five dollars per month; two deputies at a salary of one hundred and fifty dollars each per month; one deputy at a salary of one hundred and twenty-five dollars per month, and one deputy at a salary of one hundred dollars per month; one stenographer at a salary of one hundred dollars per month; *provided further* that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said county require it. The salaries of the deputies, stenographer, and special counsel herein provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney.

"8. The assessor, three thousand dollars per annum, which shall be full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies and clerks, who shall be appointed by the assessor, and shall be paid salaries as follows: one chief deputy at one hundred and twenty-five dollars per month; one second deputy at a salary of one hundred and fifteen dollars per month; one valuation clerk at a salary of eighty-five dollars per month; one transfer clerk at a salary of eighty-five dollars per month; twenty field deputies for not exceeding one month in any one year, at a salary of one hundred dollars each per month; twenty-five field deputies for not exceeding three months in any one year, at a salary of ninety dollars each per month; fifteen field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding three months in any one year, at a salary of one hundred dollars each per month; five field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; four clerks for not exceeding four months in any one year, at a salary of ninety dollars each per month; one clerk for not exceeding three months in any one year, at a salary of ninety dollars per month; nineteen clerks for not exceeding four months in any one year, at a salary of eighty dollars each per month; four clerks and one stenographer not to exceed four months in any one year, at a salary of sixty dollars each per month; five clerks for not exceeding four months in any one year at a salary of eighty dollars each per month; fifteen clerks, copyists and indexers for not to exceed four months in any one year, at a salary of sixty dollars each per month, and one messenger for not exceeding four months in any one year, at a salary of thirty dollars per month. The salaries of the deputies, stenographer, and clerks herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county assessor is paid. It is hereby further provided, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes or licenses, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty, as provided by section nineteen hundred and one of the Political Code, but the said commission shall be allowed to said county in its settlement with the State and be and remain the property of such county.

"9. The coroner, two thousand four hundred dollars per year and his actual necessary traveling expenses when traveling outside of the county seat. He must hold inquests, as prescribed by chapter two, title twelve, part two, of the Penal Code, except that he may in his discretion dispense with a jury. The coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or hold a post mortem examination of the deceased, and give his professional opinion as to the cause of death, and shall cause the testimony given by the witness to be reduced to writing, under his direction, and may employ a clerk or stenographer for such purpose, as now provided by law.

"10. The public administrator, three thousand dollars per annum.

"11. The superintendent of schools, three thousand dollars per annum, which shall be in full for all services, including attendance upon the board of education, and actual necessary traveling expenses not to exceed five dollars each for every school district in the county; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools one assistant, one deputy, and one stenographer, who shall be appointed by the superintendent of schools of said county, and shall be paid salaries as follows: One assistant at a salary of one hundred and twenty-five dollars per month; one deputy at a salary of one hundred dollars per month, and one stenographer at a salary of seventy-five dollars per month. The salaries of the assistant, deputy and stenographer herein provided for shall be paid by the county in the same manner and at the same time and out of the same fund as the superintendent of schools is paid.

"11½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the board of education shall be payable monthly, and out of the same fund and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

"12. The health officer, one thousand two hundred dollars per annum, and special health officers, when appointed as in this act provided, one hundred dollars each per annum. The salary of the health officer and special health officers shall be paid by the county in the same manner and at the same time as other county officers are paid.

"13. The surveyor, ten dollars per day for all work performed, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy and seven draughtsmen, who shall be appointed by the surveyor of said county, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and twenty-five dollars per month; five draughtsmen at a salary of one hundred dollars each per month; and two draughtsmen at a salary of seventy-five dollars per month. The salaries of the chief deputy and the draughtsmen herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner as the deputies of other county officers are paid.

"14. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate five hundred dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization.

"15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties, and no claim of any such justice of the peace in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board with their said report; *provided further*, that the boards of supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justice's court.

And provided further, that the boards of supervisors in said counties and in townships having more than thirty-five thousand inhabitants, shall, upon the recommendation of the township justice or justices, appoint a clerk for the justice's court, which clerk shall hold office for the term of two years from and after his appointment, and shall receive a salary of one hundred dollars per month, payable in like manner, at like times and out of the same fund as county officers are paid, by the county; said clerk shall take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used in or in connection with the actions and proceedings of such justice's court. Such clerk shall perform such other clerical service as may be required of him by the justice or justices.

"16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand dollars per annum, which may be paid in monthly installments of not exceeding eighty-three and one third dollars per month, for all services rendered by him in all criminal cases, or in actions or proceedings to which the people of the State of California are or may be made parties; and no claim of any such constable, in excess of said sum of one thousand dollars per annum, or the installments thereof, as aforesaid, shall be allowed or paid; but all fees collected by every such constable, on the account aforesaid, shall belong to and be the property of the county in which such constable has been elected or appointed. And each of said constables shall report under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fees collected by him on the account aforesaid during the preceding month, and shall on said date deposit with the county treasurer, to the credit of the county, all such fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board, with his said report.

"17. In counties of this class, the official reporter of each department of the superior court shall receive as full compensation for taking notes in said court a monthly salary of two hundred dollars, payable out of the county treasury at the same times and in the same manner as the salaries of county officers. He shall, without further compensation, act as amanuensis to the judge of such department of the superior court. For transcription of his shorthand notes, said reporter shall receive ten cents per folio of one hundred words for the original and half that sum per folio for each copy made at the same time, to be paid, in criminal cases, out of the county treasury upon order of the court, and in civil cases by the party ordering the same; or, if ordered by the court, to be paid by the parties in such proportion as the court may direct; and when, in civil cases, transcription is made by order of the court, the portion of the fees therefor paid by the prevailing party shall be taxed as costs in the case.

"In each civil case in which the services of the reporter are required, the sum of six dollars per diem for each day of the trial thereof shall be paid to the clerk of the court,

in advance, one half by each party, or in such other proportion as the court may direct : *provided*, that where the services of the reporter are required in a case consuming no more than one half day's session of court, the amount so paid shall be three dollars. All per diem fees so collected shall be paid by the clerk into the treasury of the county. The portion of the per diem fees in each case paid by the prevailing party shall be taxed as costs in the case.

"The provisions of this section with reference to the salaries of officers shall take effect on the first Monday after the first day of January, 1903, and the provisions of this section with reference to deputies and stenographers and all other provisions shall take effect immediately."

Substitute lost.

The question being on the adoption of the amendment by Senator Simpson.

The same was adopted.

By Senator Taylor:

Amend by striking out the period, Section 8, subdivision 8, in line one hundred and seventy-seven twenty-first page, printed bill, and inserting in lieu thereof a semicolon and the following: "It is hereby further provided, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats, block-books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall only receive the actual cost by him incurred in making or preparing such maps, plats, block-books, or assessment rolls; and *provided further*, that he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each, for such maps, plats, block-books, or any such assessment rolls, and that he shall account forthwith and pay over to the county any difference between such cost and the amount so allowed by him for such work."

Amendment adopted.

Also:

Amend subdivision three, line eighty-two, page eighteen, by inserting the words "index clerk" between the words "deputy" and "two."

Amendment adopted.

Also:

Amend by striking out of Section 4, lines one hundred and five and one hundred and six, page nineteen, the words "one thousand," and inserting the words "five hundred."

Amendment adopted.

Also:

Amend subdivision eight, Section 16, line two hundred and seventy-six, page twenty-four, by inserting the following: "This Act, so far as it relates to counties of the third class, shall take effect immediately as to the justices of the peace and constables, but shall not affect the compensation of other officers during the present term of office."

Amendment adopted.

By Senator Sims:

On page thirty-two, Section 11, subdivision twelve, line eighty-six, after the word "work," insert the words "and all fees allowed by law."

Amendment adopted.

Also:

Strike out on page thirty-two, Section 11, subdivision twelve, after the word "same," the words "and all the fees allowed by law."

Amendment adopted.

Also:

On page thirty-two, Section 11, subdivision twelve, line nine, strike out the words "and one dollar for recording the survey."

Amendment adopted.

Also:

On page thirty, Section 11, subdivision one, line sixteen, insert after the word "named," the following: "The county clerk shall also appoint one deputy at a salary of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid."

Amendment adopted.

By Senator Nutt:

Amend by striking out of Section 14, line ten, the word "eight," and inserting the words "seven thousand eight hundred."

Amendment adopted.

By Senator Caldwell:

On line twenty, page forty-two, strike out the period and insert a comma and the word "and."

Also: Strike out all of lines seventy-three and seventy-four, page forty-three.

Also: On line seventy-six, page forty-three, insert after the word "thousand" the words "four hundred."

Also: On line seventy-seven, page forty-three, strike out the words "one thousand," and insert the words "eight hundred."

Also: Strike out all of lines seventy-nine and eighty, page forty-three.

Also: On lines ninety-five and ninety-six, page forty-four, strike out the words "one thousand," and insert the words "eight hundred."

Also: Strike out all of line ninety-seven, page forty-four.

Also: On line ninety-eight, page forty-four, strike out the words "than one thousand, thirty dollars per month."

Also: On page forty-two, line twelve, after the word "register," strike out the period and insert the words "and ten cents for each person registered."

Also: On page forty-three, line forty-four, insert after the word "expenses," the following: "His office shall be kept open on all business days from two to five o'clock p. m."

Also: On page forty-four, line ninety-four, strike out the words "five thousand," and insert the words "two thousand five hundred."

Also: On page forty-four, line ninety-three, insert before the words "in townships," the following: "in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month."

Also: On page forty-four, line one hundred, strike out the word "fifteen," and insert the word "twenty"

Also: On page forty-four strike out all of lines one hundred and six, one hundred and seven, and one hundred and eight, and insert the following: "The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for Governor, cast in such township at the last preceding election, by four."

Also: On page forty-five, line one hundred and twenty-five, after the word "officers," insert the following: "he shall without further compensation act as the secretary of the judge of such department of the superior court."

Also: On page forty-five, line one hundred and twenty-two, strike out the words "one thousand" and insert the words "twelve hundred and fifty."

Also: On page forty-five, after line one hundred and thirty-six, insert: "18. The provisions of this section shall take effect and be in full force from and after the passage of this Act."

Amendments adopted.

By Senator Selvage:

On page forty-eight, Section 17, line one hundred and twenty-one, insert the words "all townships having a population of over seven thousand shall elect two constables and such."

Amendment adopted.

By Senator Goad:

Amend Section 8, line sixteen, page fifty-three, after the word "dollars," by inserting the words "per annum."

Amendment adopted.

By Senator Caldwell:

Amend Section 19, on page fifty-five, line thirty-nine, after the word "county," add the words "and that his office shall be open on all business days"

Also: On page fifty-five, line thirty-nine, strike out the period.

Also: On page fifty five, strike out all of line forty-one and one half.

Also: On page fifty-five, line forty-one, strike out the words "and must keep his office open on all business days."

Also: On page fifty-five, after line fifty-one, insert the following:

"16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes, when his services are demanded, in civil cases, and in all criminal cases and matters tried or heard in said court and when requested by the district attorney, for preliminary examinations in justices' courts, and inquests, a monthly salary of fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive not to exceed the sum of ten cents per folio for the original, and not to exceed five cents a folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. It is further provided, that in each civil case reported by the official reporter there shall be taken as costs in the case seven dollars and fifty cents per diem for each day of the trial thereof. Such per diem fee shall be paid to the clerk of the court in advance by the party requesting the service of the reporter, and where his services are requested by more than one party, then such fees shall be paid in equal proportion by each of such parties. All per diem fees so collected shall be paid by said clerk into the treasury of the county in which the case is tried."

Amendments adopted.

Also:

Amend Section 24 as follows:

On page sixty-eight, line eighteen, strike out the word "five," and insert the word "six."

Also: On page sixty-nine, line fifty-five, strike out the word "fifteen," and insert the word "twelve."

Also: On page seventy strike out all of lines one hundred and seven, one hundred and eight, one hundred and nine, and one hundred and ten, and insert the following:

"15. The population of the several judicial townships shall be determined by the last United States census, and in case townships are formed after the taking of the census then the population shall be determined by multiplying the vote for presidential electors cast in such township at the last preceding general election, by five."

Also: On page seventy, line one hundred and twelve, after the word "mile," insert the words "one way."

Also: On page seventy-one strike out all of lines one hundred and forty, one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three, and insert the following:

"18. The provisions of this section shall take effect and be in full force from and after the passage of this Act."

Amendments adopted.

Also:

On page sixty-eight, Section 24, line nineteen, after the word "deputies," insert the words "and five cents for each name indexed."

Amendment adopted.

By Senator Tyrrell of Nevada:

Amend Section 25 by adding a new paragraph on page seventy-three, as follows:

"18. In counties of this class grand jurors and jurors in the superior court shall each receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat the sum of twenty-five cents; said mileage to be allowed but once during each session such jurors are required to attend."

Amendment adopted.

By Senator Laird:

Amend Section 26 as follows:

"Sec. 26. In counties of the twenty-second class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

"1. The county clerk, three thousand dollars per annum, and when a new great register of voters is ordered, he shall receive three hundred dollars additional, which shall be in full for all services required in registering voters and making the great register.

"2. The sheriff, fifty-one hundred dollars per annum, which includes the fifteen hundred dollars heretofore allowed the under sheriff. He shall also have for his own use all fees for service of all papers served by him and issued without his county. The said fifty-one hundred dollars to be in full of all fees or percentages as license collector.

"3. The recorder, thirty-two hundred dollars per annum, in full of all services, including filing and recording mining and other location notices

"4. The auditor, twelve hundred dollars per annum.

"5. The treasurer, eighteen hundred dollars per annum.

"6. The tax collector, one thousand dollars per annum.

"7. The assessor, twelve hundred dollars per annum, and he is hereby allowed in addition thereto ten deputies, to be appointed by him, who shall each receive four dollars per day for not exceeding three months in any calendar year, while engaged in the performance of their duties.

"8. The district attorney, twenty-one hundred dollars per annum, and he is hereby allowed in addition thereto one deputy appointed by him, who shall receive nine hundred dollars per annum.

"9. The coroner, such fees as are now or may be hereafter allowed by law.

"10. The public administrator, such fees as are now or may be hereafter allowed by law.

"11. The superintendent of schools, eighteen hundred dollars per annum, and necessary expenses for traveling in visiting schools in the county, to be allowed by the supervisors of the county.

"12. The surveyor, such fees as are now or may be hereafter allowed by law.

"13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred, as follows:

"Townships having a population of three thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand shall belong to and be known as townships of the third class; and townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class.

"Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit:

"In townships of the first class, eighty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month; and in townships of the fourth class, ten dollars per month.

"In addition to the monthly salaries herein allowed for services in criminal actions, cases and examinations, each justice of the peace may, for his own use, collect the following fees, and no other, in civil actions:

"Each justice of the peace shall be allowed, in civil actions before him, for all services to be performed by him before trial, three dollars; and for the trial, and all proceedings subsequent thereto, including all affidavits, swearing of witnesses and jury, and the entry of judgment and issue of execution thereon, four dollars; and fifteen cents for each hour actually engaged in such trial, after the expiration of eight hours; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

"For certificate and transmitting transcript and papers on appeal, one dollar.

"For copies of papers on docket, per folio, ten cents.

"For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

"For celebrating a marriage and returning the certificate thereof to the county recorder, three dollars.

"For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

"For taking depositions, per folio, fifteen cents.

"For all services connected with the posting of estrays, one dollar.

"In cases before the justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive three dollars; and the justice of the peace before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

"For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

"For issuing each process, writ, order, or paper required by law to be issued, not otherwise provided for, twenty-five cents.

"For each certificate or affidavit not otherwise herein provided for, twenty-five cents.

"For administering oath or affirmation not otherwise herein provided for, twenty-five cents.

"For taking and approving bond or undertaking, including the justification of sureties, fifty cents.

"14. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid, out of the general fund of the county, and which shall be in full of all services rendered by them in criminal cases, to wit:

"In townships of the first class, one hundred dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, twenty dollars per month, and in townships of the fourth class, ten dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases

and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoners to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming, in the service of subpoenas, in criminal cases, per mile, ten cents; which said expenses and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

"In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no others, in civil actions:

"For serving summons and complaint, for each defendant served, fifty cents.

"For each copy of summons for service, when actually made by him, twenty-five cents.

"For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

"For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

"For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper, when necessarily employed.

"For taking bond or undertaking, fifty cents.

"For copies of writ and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

"For serving any writ, notice or order, except summons, complaint and subpoenas, for each person served, fifty cents.

"For writing and posting each notice of sale of property, fifty cents.

"For furnishing notice for publication, twenty-five cents.

"For serving subpoenas, each witness, including copy, twenty-five cents.

"For collecting money on execution, one and one half per cent.

"For executing and delivering certificate of sale, fifty cents.

"For executing and delivering constable's deed, one dollar and fifty cents.

"For each mile actually traveled within his township in the service of any writ, order or paper, in civil actions, in going only, per mile, twenty-five cents.

"For traveling outside of his township to serve such writ, order or paper, in civil actions, in going only, twenty-five cents per mile: *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed or paid, in criminal or civil cases.

"For each day's attendance in court, in civil cases, three dollars.

"For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

"For summoning a jury, in civil cases, two dollars, including mileage.

"For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution in the same manner as the sum herein directed to be paid.

"County officers must, and township officers may, demand the payment of all fees in advance.

"Justices of the peace shall, on or before the first Monday of each month, pay into the county treasury all moneys collected by them on fines imposed and collected, and all moneys belonging to the county coming from any source.

"The board of supervisors shall, within sixty days after the passage of this Act, establish by ordinance, according to the provisions of subdivisions thirteen and fourteen of section —, the population of the various townships of this class of counties.

"The provisions of subdivisions thirteen and fourteen of section — of this Act shall take effect and be in force sixty days from and after the passage of this Act; and shall apply to present incumbents.

"15. Each member of the board of supervisors, five hundred dollars per annum, and ten cents per mile, one way, between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury, as required by law.

"16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy; where the reporter is required to transcribe the whole or any part of his notes, from day to day as the trial progresses, he shall receive, in addition to said sums hereinbefore provided, the further sum of five cents per folio for the original, and two and one half cents per folio for the copy. Said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the

county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct; *provided*, that where the services of the official reporter are required, in each civil case, the sum of ten dollars per diem, for each day of the trial thereof, shall be paid to the clerk of the court, in advance, one half by each party, or in such other proportion as the court may direct; all per diem fees so collected shall be paid by the clerk into the treasury of the county. The portion of per diem fees in each case, which were paid by the prevailing party, shall be taxed and allowed as costs in the case; *provided, also*, that this Act, so far as it relates to the official reporter of the superior court in counties of this class, shall take effect immediately."

Amendment adopted.

Also:

Strike out all of Section 28 and insert the following:

"Sec. 28. Section one hundred and eighty-one of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

"Section 181. In counties of the twenty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

- "1. The county clerk, twenty-four hundred dollars per annum.
- "2. The sheriff, six thousand dollars per annum.
- "3. The recorder, eighteen hundred dollars per annum.
- "4. The auditor, nine hundred dollars per annum.
- "5. The treasurer, fifteen hundred dollars per annum.
- "6. The tax collector, one thousand dollars per annum.
- "7. The assessor, twenty-four hundred dollars per annum.
- "8. The district attorney, eighteen hundred dollars per annum.
- "9. The coroner, such fees as are now or may be hereafter allowed by law.
- "10. The public administrator, such fees as are now or may be hereafter allowed by law.
- "11. The superintendent of schools, fifteen hundred dollars per annum, and his reasonable traveling expenses incurred in visiting schools of the county, to be fixed and allowed by the board of supervisors, not to exceed the sum of five hundred dollars per annum; *provided*, he shall devote his entire time to the duties of said office.
- "12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; and *provided further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

"13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

"14. Constables, such fees as are now or may be hereafter allowed by law.

"15. Each member of the board of supervisors, five hundred dollars per annum, and mileage at the rate of twenty cents per mile from his home to and from the county seat.

"16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and when requested by the district attorney, for preliminary examinations in justice's court, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for a transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct."

Amendment adopted.

Also:

Strike out all of Section 52 and insert the following:

"Sec. 52. Section two hundred and five of said Act is hereby amended to read as follows:

"Section 205. In counties of the forty-eighth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

- "1. The county clerk, one thousand five hundred dollars per annum.
- "2. The sheriff, two thousand five hundred dollars per annum.
- "3. The recorder, eight hundred dollars per annum.
- "4. The auditor, four hundred dollars per annum.
- "5. The treasurer, eight hundred dollars per annum.
- "6. The tax collector, one thousand dollars per annum.
- "7. The assessor, one thousand five hundred dollars per annum.
- "8. The district attorney, one thousand two hundred dollars per annum.
- "9. The coroner, such fees as are now or may be hereafter allowed by law.
- "10. The public administrator, such fees as are now or may be hereafter allowed by law.

"11. The superintendent of schools, seven hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

"12. The surveyor, such fees as are now or may be hereafter allowed by law.

"13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

"14. Constables, such fees as are now or may be hereafter allowed by law.

"15. Each supervisor, two hundred and fifty dollars per annum, and twenty-five cents per mile for traveling, one way only, to the county seat at each sitting of the board; *provided, however*, that the chairman of the board of supervisors shall receive the same mileage in coming to the county seat to count the moneys in the county treasury in months when the board of supervisors are not in session as is received for coming to a regular or special session of said board. But at no time shall he receive the amount of two mileages for any one trip.

"16. The license collector shall receive such compensation as the board of supervisors shall fix.

"In counties of this class the official court reporter, for all services required of him in the superior court and for preliminary examinations in justices' courts and for coroner's inquests, excepting for transcribing his notes, a monthly salary of sixty dollars, payable out of the county treasury, and in the same manner as the salary of county officers, and for transcription of his notes of testimony in the superior court in criminal cases, when required by the court and in preliminary examinations and coroner's inquests, eight cents per folio for original and four cents per folio for copy; the compensation for such transcription hereinbefore provided for to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury. For transcription of his notes of testimony in the superior court, when required, in civil cases, ten cents per folio for original and five cents per folio for copy, to be paid by the party ordering the same, or when ordered by the judge by either party or by both parties, as the court may direct, to be taxed as costs when ordered by the judge of his own motion or on application of the parties. It shall be his duty to attend all preliminary examinations in the justice's court and before the coroner in homicide cases, when not engaged in the superior court, and he shall receive his actual traveling expenses while attending justice's court and before the coroner. It is further provided, that in each civil case, matter or proceeding reported by the official reporter in the superior court, there shall be taxed as costs in the case, matter or proceeding, eight dollars per diem fee each day of the trial or hearing thereof. Such per diem fee shall be paid to the clerk of the court daily in advance by the parties to the case, matter or proceeding in equal proportions. All per diem fees so collected shall be paid by said clerk into the treasury of the county."

Amendment adopted.

Also:

Strike out all of Section 55, and insert the following:

"Sec. 55. Section two hundred and eight of said Act is hereby amended to read as follows:

"Section 208. In counties of the fifty-first class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

"1. The county clerk, one thousand five hundred dollars per annum.

"2. The sheriff, three thousand dollars per annum.

"3. The recorder, eight hundred dollars per annum.

"4. The auditor, two hundred dollars per annum.

"5. The treasurer, one thousand dollars per annum.

"6. The tax collector, five hundred dollars per annum.

"7. The assessor, one thousand five hundred dollars per annum.

"8. The district attorney, one thousand two hundred dollars per annum.

"9. The coroner, such fees as are now or may be hereafter allowed by law.

"11. The superintendent of schools, six hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

"10. The public administrator, such fees as are now or may be hereafter allowed by law.

"12. The surveyor, such fees as are now or may be hereafter allowed by law.

"13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

"14. Constables, such fees as are now or may be hereafter allowed by law.

"15. Each supervisor, six dollars per day when the board is in session, not to exceed three hundred dollars per year, and twenty five cents per mile for traveling from his residence to the county seat, in going only.

"16. In counties of this class the official reporter of the superior court shall receive, as such compensation for taking notes, when his or her services are demanded by either party or ordered by the court, in civil cases or proceedings tried in open court, and matters heard at chambers, and in all criminal cases and matters tried and heard in said court, and for preliminary examinations in justices' courts, a monthly salary of fifty dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers. He or she shall also be allowed his or her actual traveling expenses when reporting outside of the county seat. For transcription of said notes, when required, he or she shall receive the sum of ten cents per folio for the original, and five cents per folio for each copy; said compensation in criminal cases to be audited and allowed by the board of supervisors, as other claims against the county,

and paid out of the county treasury; and in civil cases, to be paid by the parties ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

"Sec. 56. This Act shall take effect immediately."

Amendment adopted.

By Senator Corlett:

Amend by striking out of Section 31, line ninety-three, page eighty-six, printed bill, the words "this subdivision," and inserting the following: "Subdivisions fourteen and fifteen of this section."

Amendment adopted.

Also:

On page eighty-five, Section 31, line seventy, strike out the words "one hundred" and insert in lieu thereof the words "one hundred and twenty-five."

Amendment adopted.

By Senator Lardner:

Amend by inserting on page eighty-eight, Section 30, after subdivision sixteen of said Section 30, printed bill, the following subdivision:

"17. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

"18. The provisions of subdivisions thirteen, fourteen, and seventeen of this section shall take effect immediately."

Amendment adopted.

By Senator Belshaw:

Amend by striking out period in line twelve, Section 33, page eighty-eight, printed bill, and inserting the following: "; and also all fees for service of papers in actions arising outside of his county."

Amendment adopted.

By Senator Smith of Kern:

Amend Section 30, line thirty-six, by striking out the word "for," and inserting in lieu thereof the word "and."

Amendment adopted.

Also:

Amend Section 30, by striking out subdivision eleven, and inserting in lieu thereof the following:

"11. The superintendent of schools, eighteen hundred dollars per annum (which shall include his services as a member of the board of education), and his actual traveling expenses when visiting schools, not to exceed ten dollars per district: and the provisions of this subdivision shall take effect immediately."

Amendment adopted.

Also:

Amend Section 30 by striking out all of subdivision thirteen, and inserting in lieu thereof the following:

"13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to population, as shown by the federal census of nineteen hundred, as follows: Townships containing a population of five thousand or more shall be known as townships of the first class; townships containing a population of less than five thousand and more than two thousand shall be known as townships of the second class; townships containing less than two thousand population and more than one thousand shall be known as townships of the third class; townships having less than one thousand population shall be known as townships of the fourth class.

"In townships of the first class the constables and justices of the peace shall receive a salary of one hundred and twenty-five dollars per month, payable as the salary of county officers are paid; and constables may retain the fees allowed by law for services in civil cases, but justices shall pay all fees and fines into the county treasury.

"In townships of the second class the constables and justices shall receive the fees that are now or may hereafter be allowed by law, not exceeding one hundred dollars in any month in criminal cases.

"In townships of the third class the constables and justices shall receive the fees that are now or may hereafter be allowed by law, not exceeding seventy-five dollars in any month in criminal cases.

"In townships of the fourth class the constables and justices shall receive the fees that are now or may hereafter be allowed by law, not exceeding fifty dollars in any month in criminal cases."

Amendment adopted.

By Senator Byrnes:

(On page ninety-six, Section 36, insert the following at end of the section:

"17. Subdivisions thirteen (13), fourteen (14), fifteen (15), and sixteen (16) of this section shall take effect immediately."

Amendment adopted.

By Senator Curtin:

Amend by adding to Section 38, in line one hundred and twenty-five, page one hundred and five of printed bill, after the last word in said line one hundred and twenty-five, the following: "witness fees shall be as follows."

Amendment adopted.

Also:

Amend by striking out of Section 38, in line one hundred and eighteen, by inserting between the word "court" and the word "for" the words "in criminal cases only."

Amendment adopted.

By Senator Maggard:

On page one hundred and ten, Section 40, line twelve, strike out the words "twenty-three hundred," and insert in lieu thereof the words "three thousand."

Amendment adopted.

By Senator Curtin:

Amend by striking out of Section 42, line one hundred and thirteen, the word "forty," and inserting the word "fifty."

Amendment adopted.

Also:

Amend by striking out the words "two thousand six," in Section 43, line thirty-one, page one hundred and nineteen, printed bill, and inserting in lieu thereof the words "three thousand."

Amendment adopted.

Also:

Amend by striking out of Section 43 all of lines sixty and sixty-one, and inserting in lieu thereof the following:

"14. Constables shall receive the following salaries, for all services rendered by them in criminal cases, payable monthly, in the same manner as county officers are paid, viz: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Constables shall also receive for their own use and benefit such fees as are now or hereafter may be allowed by law, in civil cases. They shall also be allowed their actual expenses in conveying prisoners from the place of arrest to court, and in case of conviction, from court to the county jail."

Amendment adopted.

Also:

Amend by striking out of Section 43 all of lines fifty-eight and fifty-nine, and in lieu thereof inserting the following:

"13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly, in the same manner as county officers are paid, viz: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than

three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Justices of the peace in counties of this class shall also receive, for their own use and benefit, such fees as are now or hereafter may be allowed by law in civil cases. They shall also be allowed the actual rent for their offices, not to exceed ten dollars per month."

Amendment adopted.

Also:

Amend Section 42 by adding in line fifteen, after the word "annum," and before the word "provided," the following: "*provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of fifty dollars per month. Said salary to be paid by said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid; and."

Amendment adopted.

By Senator Pace:

Amend by adding after the word "the," Section 41, line seventy-five, the words "thirty-seventh."

Amendment adopted.

By Senator Lardner:

Amend by adding a sub-section, to be numbered "16," at the end of Section 44, page one hundred and twenty-two, printed bill, as follows:

"16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justice's court when required, and for reporting coroner's inquests and insanity inquisitions when required, a monthly salary of seventy-five dollars, payable out of the county treasury, at the same time and in the same manner as the salaries of county officials; and for transcription of said notes, when required in civil cases, he shall receive the sum of ten cents per folio for the original, and five cents per folio for a copy, to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall make all transcriptions in criminal cases and insanity inquisitions when ordered by the court, in preliminary examinations when ordered by the magistrate or district attorney, and in coroner's inquests when ordered by the coroner or district attorney, without other compensation than the monthly salary above mentioned. For all such transcriptions, when made at the request of any other person, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy, to be paid by the party ordering the same."

Amendment adopted.

By Senator Rowell:

Amend by adding at the end of subdivision sixteen, page one hundred and twenty-eight, after the word reporter, the following:

"17. In counties of this class the board of supervisors may appoint a horticultural commissioner, who shall have expert knowledge of the duties pertaining to the position, who shall serve at the pleasure of the board, and who shall be paid a salary of not to exceed seventy-five dollars per month."

Amendment adopted.

Also:

Amend Section 48, page one hundred and twenty-seven, subdivision fifteen, to read as follows: "Each member of the board of supervisors, six dollars per day while attending sessions of the board and when actually engaged in supervising the roads in their respective districts, and twenty-five cents a mile in traveling from their respective residences to the county seat not more than once each month, all of which compensation, in the aggregate, shall not exceed six hundred dollars each per annum, exclusive of mileage."

Amendment adopted.

By Senator Curtin:

Amend by adding after the word "annum," in line twenty-three, Section 53, page one hundred and thirty-five, printed bill, "and ten per cent of all licenses collected by him."

Amendment adopted.

By Senator Tyrrell of Nevada:

Amend Section 207 of Section 54, in counties of the fiftieth class, as follows: Commencing in line thirty-eight, page one hundred and thirty-six of printed bill, just after the figures "16," and strike out all the remainder of said line thirty-eight, all of lines thirty-nine to forty-six, both inclusive, on said pages one hundred and thirty-six and one hundred and thirty-seven, and insert in lieu thereof the following:

"The official reporter of the superior court in counties of this class shall receive as full compensation for taking notes and transcribing the same when his services are demanded in civil cases tried in said court and when requested by a justice of the peace, coroner, or district attorney in preliminary examinations, or inquests, a salary of one thousand dollars per annum, payable in equal monthly installments out of the county treasury, at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside the county seat. When the services of said reporter are demanded in any civil matter they shall be taxed as costs in the case, five dollars per diem for each day of the trial thereof, to be paid to the clerk of the court, in advance, one half by each side; and for transcription of said notes in civil cases, when required, said clerk of the court shall receive, as the court shall direct, not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy, said compensation to be paid for in civil cases by the party ordering the same transcribed, and said traveling expenses to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury from any funds not otherwise appropriated. All fees and per diem collected by the clerk shall be paid into the county treasury on the first Monday of each month.

"This Act, so far as it relates to the services and compensation of said official reporter, shall take effect immediately after its passage.

"This Act, so far as it relates to counties of this class, shall not affect the compensation of officers during the present term of office, except as herein otherwise specifically provided."

Amendment adopted.

Also:

Amend Section 211 of Section 58, in counties of the fifty-fourth class, as follows: Commencing on line thirty-nine, page one hundred and forty-one, after the figures "16," and strike out all the remainder of line thirty-nine, all of lines forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and forty-seven, on said page one hundred and forty-one, and insert in lieu thereof the following:

"The official reporter of the superior court in counties of this class shall receive as full compensation for taking notes and transcribing the same when his services are demanded in civil cases tried in said court, and when requested by a justice of the peace, coroner, or district attorney in preliminary examinations, or inquests, a salary of one thousand dollars per annum, payable in equal monthly installments out of the county treasury, at the same time and in the same manner as the salaries of county officers. He shall also be allowed his actual traveling expenses when reporting outside the county seat. When the services of said reporter are demanded in any civil matter they shall be taxed as costs in the case, five dollars per diem for each day of the trial thereof, to be paid to the clerk of the court, in advance, one half by each side; and for transcription of said notes in civil cases, when required, said clerk of the court shall receive as the court shall direct not to exceed ten cents per folio of one hundred words for the original and five cents per folio for copy, said compensation to be paid for in civil cases, by the party ordering the same transcribed, and said traveling expenses to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury from any funds not otherwise appropriated. All fees and per diem collected by the clerk shall be paid into the county treasury on the first Monday of each month.

"This Act, so far as it relates to the services and compensation of said official reporter, shall take effect immediately after its passage.

"This Act, so far as it relates to counties of this class, shall not affect the compensation of officers during the present term of office, except as herein otherwise specifically provided."

Amendment adopted.

Also:

Amend by inserting after the words "per annum," in lines nine and ten, page one hundred and forty, the following: "provided, that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services."

Amendment adopted.

By Senator Devlin:

Amend by adding a new section to be numbered 58, and to read as follows:

"SEC. 58. If by reason of any law passed since January 1, 1901, the board of supervisors of any county shall be required to act as a board of equalization to examine and equalize the list of any swamp land or reclamation district, each member thereof shall be allowed, in addition to the compensation now allowed to him by law, five dollars per day for each day he may be so engaged, but no compensation shall be allowed for more than six days for any one district."

Amendment adopted.

Also:

Amend by renumbering Section 58 in printed bill to read "Sec. 59."

Amendment adopted.

Bill partially read second time, ordered to print and on file for further second reading and amendment.

SPECIAL ORDER SET.

On motion of Senator Oneal, further consideration of second reading of Senate Bill No. 650 was made special order for Friday, March 8, 1901, at eight o'clock P. M.

CONSIDERATION OF SPECIAL ORDER.

The time for consideration of special order heretofore set, being consideration of Senate Bill No. 603—An Act amending Section 1521 of the Political Code by adding new subdivisions thereto, relating to the State Board of Education; providing for the appointment of a Text-Book Commissioner, and the formation of a Board of Text-Book Commissioners; prescribing their duties, and fixing their compensation; providing for the publication of a uniform series of text-books; providing for the use of same in the common schools of the State; making an appropriation and authorizing the use of money derived from sale of text-books for carrying out the purpose of this Act; repealing Sections 1519, 1663, 1665, 1666, and 1874 of the Political Code.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 603

An Act amending Section 1874 of the Political Code, providing for a Board of State Text-Book Commissioners; authorizing them to revise, compile, manufacture, and distribute school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school-text books; authorizing the payment of royalties for use of copyrighted matter and for the performance of other acts necessary to procure a first-class uniform series of school text-books; granting powers to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of supplementary books and a list of apparatus for use in the common schools and district school libraries; prescribing books for use in various branches of the common schools; authorizing such commissioners to appoint a secretary; prescribing the duties of such secretary, and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the adoption or revision of the State series of text-books; providing that the Superintendent of State Printing have supervision over printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the School Book Fund shall consist, and prescribing the use of the moneys in said fund; repealing Section 1519 of the Political Code, relating to the State Board of Education, County Boards of Education, and to text-books to be used in the common schools.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen hundred and seventy-four of the Political Code is hereby amended to read as follows:

Section 1874. 1. The Superintendent of Public Instruction and the Superintendent of State Printing shall constitute a board to be known and designated as "State Text-Book Commissioners." Said commissioners shall immediately enter upon the discharge of their duties and shall have power, subject to the approval of the State Board of Education, to revise, in whole or in part, and to manufacture and distribute such text-

books as are now in use; to compile or cause to be compiled under their direction, and to manufacture and distribute such other or additional text-book or text-books as they may deem necessary or proper for the use of the common schools throughout the State; or to purchase plates, maps, and engravings, contract for or lease copyrights for the purpose of being used in the printing and publishing of such books; to provide for the payment of royalties for the use of the whole or any part of a book or books, and to do any and all acts that may be necessary for the purpose of procuring a first-class uniform series of text-books for use in all the common schools of the State of California. They shall have power, subject to the approval of the State Board of Education, to prescribe and enforce the use of a uniform series of text-books and to adopt a list of books for supplementary use and a list of apparatus from which County Boards of Education shall adopt a list of books and apparatus for supplementary use and for district school libraries. As soon as any text-book or text-books shall have been compiled, adopted, and printed, ready for distribution, it shall be the duty of each County Superintendent of Schools to order and purchase a sufficient quantity thereof to give at least one copy to each school in the county in which he is superintendent, and payment therefor shall be made out of any moneys appropriated for the School Library Funds, or any other fund that may be available for such purposes.

2. Instruction shall be given in the following branches in the common schools in the several grades in which each may be required, viz: Reading, writing, orthography, language lessons and English grammar, arithmetic, geography, history of the United States, physiology and hygiene, vocal music, elements of bookkeeping, drawing, word analysis, and civil government; and it shall be the duty of the Text-Book Commissioners to designate and adopt, or they may perfect by revision, compilation, purchase of plates or copyrights, such book or books as may be necessary for the proper study and teaching of said subjects, subject to the approval of the State Board of Education.

3. Within ten days after organization, the said Board of Text-Book Commissioners shall select a secretary, who shall keep the books, minutes, records of copyright and royalty contracts, and perform such other duties as may from time to time be required of him by the commissioners. Said secretary shall receive a salary of two thousand (\$2,000.00) dollars per annum, payable in the same manner and from the same fund as the salaries of State officers.

4. It shall be the duty of said Text-Book Commissioners to secure copyrights, in the name of The People of the State of California, to all books that shall be compiled under this Act, and whenever any one or more of the State school text-books shall have been compiled and adopted, the Superintendent of Public Instruction shall issue an order requiring the uniform use of said book or books in all the common schools of this State, and when said book or books shall have been adopted, and said order shall have been published and gone into effect, the same shall remain in force and effect for the term of ten years; *provided*, that said order for the uniform use of said book or books shall not take effect till the expiration of at least one year from the time of the completion of the electrotype plates of said book or books. Nothing in this Act shall be construed to prevent any county or school district from adopting any one or more of the State series of school text-books whenever said book or books shall have been published; *further provided*, that whenever any plates, maps, or engravings of any publisher or author are adopted for use as hereinbefore provided, the Text-Book Commissioners shall enter into a contract for ten years for use of same, and shall require a good and sufficient bond of the owner of such plates, maps, and engravings, guaranteeing that the same shall be kept revised and up to date as required by the State Board of Education.

5. The Superintendent of State Printing shall have the supervision of all mechanical work connected with the printing and publishing of such books as may be adopted by said Text-Book Commissioners, and approved by the State Board of Education, and all such printing and binding shall be done in the State Printing Office.

6. The sum of twenty thousand (\$20,000.00) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act. Said appropriation, which shall be known as the "Text-Book Appropriation," shall be subject to the drafts of the said Text-Book Commissioners for the expenses incurred by the Text-Book Commissioners, except the salary of the secretary, as provided in this Act; *provided*, that all claims shall be presented to the State Board of Examiners for their approval. It is provided that all moneys that have been received or that may hereafter be received from the sales of State series of school text books shall be kept by the State Treasurer as a separate and distinct fund, to be known as the State School Book Fund, which said fund shall be subject to the following drafts, viz: by the Superintendent of State Printing for all moneys needed for the purchase of plates, maps and engravings, payment of royalties and for manufacturing any editions of any book of the State series now in use or which may hereafter be adopted for use in the common schools, the same to be drawn as provided in subdivision four of section five hundred and twenty-six of the Political Code; *provided*, that all demands on the State School Book Fund shall be presented to the State Board of Examiners, in itemized form, for their approval; and upon the approval of the State Board of Examiners, the State Controller is hereby authorized and directed to draw his warrant, and the State Treasurer to pay the same, in conformity with the provisions of this section.

7. The State Board of Education may, in its discretion, secure one or more educational experts to examine and give their opinions on any book or books that may be taken under consideration by said Text-Book Commissioners and before the approval of the same by the said State Board of Education; claims for such expert service may be

paid in like manner as other claims are paid out of the State Text-Book Appropriation; *provided*, that the expense for such expert examination and opinion shall not exceed the sum of two hundred (\$200) dollars for any one book that may be adopted.

SEC. 2. Section fifteen hundred and nineteen of the Political Code is hereby repealed.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SPECIAL ORDER SET.

On motion of Senator Leavitt, further consideration of Senate Bill No. 603 was made special order for Friday, March 8, 1901, immediately following the special order already set for that date at eight o'clock p. m.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Caldwell:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Caldwell be and he is hereby permitted to introduce a bill, to be numbered 654.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, and Wolfe—29.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Caldwell: Senate Bill No. 654—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro, Los Angeles & Salt Lake Railroad Company for the purposes of a right of way for a steam railroad thereon.

Bill read first time.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Caldwell:

Resolved, That Senate Bill No. 654 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Welch, and Wolfe—30.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 654—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro, Los Angeles & Salt Lake Railroad Company, for the purposes of a right of way and depot grounds for a steam railroad thereon.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Luchsinger, Maggard, Muenter, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE.

Senator Leavitt asked and was granted unanimous consent to take up Senate Bill No. 248 for immediate consideration.

Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Laird, Lardner, Luchsinger, Maggard, Nelson, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senator Ashe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 285—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 26, 1895, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 285 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Goad, Lardner, Luchsinger, Maggard, Muenter, Nelson, Nutt, Oneal, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 608—An Act to amend Sections 336, 337, and 339 of the Code of Civil Procedure of the State of California, relating to fixing the period of limitation of time of commencement of certain actions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 608 ordered on file for second reading.

RECESS.

At the hour of five o'clock P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Rowell, Salvage, Simpson, Smith of Kern, Taylor, and Welch—25.

Quorum present.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—having arrived, on motion of Senator Davis the same was postponed until Friday, March 8, 1901, at eight o'clock P. M., and was therefore made special order to follow other special orders already set for that date and hour.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 619—An Act to provide for restoration to capacity of persons adjudged to be insane, who have no guardians and who are not confined at State hospitals for the insane—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 77—An Act to amend Section 1136 of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 619 and Assembly Bill No. 77 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT. Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 19—Relative to the elective franchise—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CALDWELL, Chairman.

Assembly Constitutional Amendment No. 19 ordered on file.

THIRD READING OF BILLS.

Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Read third time this day.

Senator Smith of Kern moved to refer to Senator Welch, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, line four, the words "less than two hundred dollars nor."

The question being on the motion to refer to special committee of one.

The ayes and noes were demanded by Senators Smith of Kern, Bettman, and Simpson.

The roll was called, and motion lost by the following vote:

AYES—Senators Bettman, Luchsinger, Rowell, Shortridge, and Sims—5.

NOES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Muentner, Nelson, Oneal, Pace, Selvage, Simpson, Smith of Los Angeles, and Tyrrell of San Francisco—21.

Senator Smith of Kern moved to refer to Senator Welch, as a special committee of one, to amend as follows:

Amend by inserting after the word "corporation," in line three, Section 1, the words "to any point outside of the State of California."

Motion lost.

Senator Devlin moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by inserting after the word "shipment" the words "for sale."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 478 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Read third time.

Senator Belshaw moved to refer to Senator Devlin, as a special committee of one, to amend as follows:

Amend by inserting after enacting clause, the following: "Sec. 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 485—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest—with instructions to amend, respectfully reports the same back amended as per instructions.

DEVLIN, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and reëngrossment.

Senate Bill No. 253—An Act to amend Section 2955 of the Civil Code of the State of California, relating to the mortgages of personal property in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Taylor:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Taylor be and he is hereby permitted to introduce a bill, to be numbered 655.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, Welch, and Wolfe—30.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Taylor: Senate Bill No. 655—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Bill read first time, and ordered on file without reference to committee.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Currier moved a reconsideration of the vote whereby Assembly Bill No. 316—An Act to amend an Act entitled "An Act to provide for incorporation, operation, and management of coöperative associations," approved March 27, 1895—was on a previous day refused passage.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Selvage, Simpson, Taylor, Welch, and Wolfe—21.

NOES—Senators Bettman, Laird, Oneal, Plunkett, and Shortridge—5.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 316 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Lardner, Luchsinger, Lukens, Muentner, Nutt, Pace, Plunkett, Selvage, Simpson, Smith of Los Angeles, Taylor, Welch, and Wolfe—22.

NOES—Senators Bettman, Hoey, and Laird—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Luchsinger, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 340—An Act appropriating \$5,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital at Patton, California.

Also: Assembly Bill No. 342—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 341—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 344—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 617—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 361—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock, except for medicinal purposes, and making the same a misdemeanor.

Also: Amended, and passed as amended, Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889.

Also: Senate Bill No. 547—An Act amending Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the state to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Also: Passed Senate Bill No. 13—An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

Also: Amended, and passed as amended, Substitute for Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Also: Passed Assembly Bill No. 253—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the controller and Treasurer to transfer the amount herein appropriated from the General Fund to said Adult Blind Fund.

Also: Concurred in Senate amendments to Assembly Bill No. 503—An Act making an appropriation of \$750 to pay a deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest.

Also: Assembly Bill No. 531—An Act to amend the Code of Civil Procedure by adding a new chapter to Title X of Part II thereof, to be numbered Chapter VII, embracing Sections 828 to 831g, inclusive, relating to actions for divorce.

Also: Adopted the report of the conference committee concerning Senate Bill No. 407—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and

March 31, 1891," approved March 31, 1897—which report recommended that the Senate concur in Assembly Amendments Nos. 1, 2, 4, and 5, and that the Assembly recede from Assembly Amendment No. 3.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 340 read first time, and, on motion of Senator Caldwell, ordered on file without reference to committee.

Assembly Bill No. 342 read first time, and, on motion of Senator Caldwell, ordered on file without reference to committee.

Assembly Bill No. 341 read first time, and referred to Committee on Finance.

Assembly Bill No. 344 read first time, and referred to Committee on Finance.

Assembly Bill No. 617 read first time, and referred to Committee on Finance.

Senate Bill No. 561 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 434?"

Strike out all after the word "therein," in line nine of printed bill, down to and including the word "gases," in line thirteen.

Also: Strike out all after the word "cause," in line fourteen of printed bill, down to and including the word "cause," in line twenty.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 434 by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Caldwell, Curtin, and Lardner—6.

NOES—Senators Bettman, Cutter, Davis, Devlin, Goad, Hoey, Laird, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—22.

Whereupon the Secretary was instructed to inform the Assembly of the Senate's action.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 547?"

AMENDMENT No. 1.

Before the figures "165," in line five, printed bill, insert the abbreviation "Sec."

AMENDMENT No. 2.

After line eighty-five, page three, printed bill, insert the following:

"17. In counties of this class there shall be but one horticultural commissioner."

The roll was called, and Assembly amendments to Senate Bill No. 547 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Currier, Curtin, Cutter, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, and Taylor—26.

NOES—None.

Senate Bills Nos. 547 and 13 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 19?"

Strike out of Section 4, line twelve of the printed bill, the word "fifty," and insert in lieu thereof the word "twenty-five."

Also: Strike out of Section 6, line fourteen of the printed bill, the word "when," and insert in lieu thereof the word "then."

Also: Insert in Section 9, line fifteen, after the word "dealer," the word "a."

Also: Strike out the first two words in the title of printed bill, and substitute in lieu thereof the words "An Act"

Also: Insert after the word "animals," in line three, Section 1, page one of printed bill, the words "bird guano and animal tankage"

Also: Strike out of lines eleven and twelve, Section 1, page one of printed bill, the

words "or the total phosphoric acid, if the same is wholly derived from untreated animal bones."

Also: Strike out the figures "\$50.00," in line thirteen, Section 4, page two of printed bill, and insert in lieu thereof the figures "\$25.00."

Also: Insert in line thirty-nine, Section 6, page four of printed bill, after the word "sold," the following: "*provided further*, that animal tankage, packing-house by-products, and bird guano that have not been compounded or blended with materials that increase or decrease their weight or bulk, nor blended or compounded with material that increases or decreases their fertilizing properties, shall not come within the provisions of this Act."

Also: Strike out the word "one," in line two, Section 12, page five, and substitute in lieu thereof the word "two."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 19 by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Cutter, Devlin, Flint, Laird, Luchsinger, Maggard, Muentner, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Smith of Los Angeles, and Taylor—21.

NOES—Senator Wolfe—1.

Assembly Bill No. 253 read first time, and ordered on file without reference to committee.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 25—Relating to the hours of labor upon public works.

Also: Assembly Constitutional Amendment No. 28—Amending Article XX by adding thereto two new sections, to be known as Sections 21 and 22, relating to a State commission to have charge, in certain respects, of railroads, transportation companies, common carriers, banks, insurance companies, water, gas, and electric light and power, telephone companies, telegraph companies, and sleeping-car companies, and express companies, and of certain services and commodities, howsoever supplied to the public, and regulations concerning the same, and repealing certain present constitutional provisions relative to the same subject.

Also: Assembly Constitutional Amendment No. 24—Relating to the prohibition of the levy of a poll-tax.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Assembly Constitutional Amendment No. 8—Relating to the regulation of charges of telephone corporations—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

CALDWELL, Chairman.

ON CONSTITUTIONAL AMENDMENTS—(MINORITY REPORTS).

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: The undersigned member of your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 8—Relating to the regulation of charges of telephone companies—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

E. I. WOLFE.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: The undersigned members of your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 24—Relative to prohibition of the levy of a poll-tax—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

LOUIS ONEAL.
C. M. SIMPSON.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: The undersigned members of your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 19—

Relative to the elective franchise—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

EDWARD I. WOLFE.
LOUIS ONEAL.
ROBT. T. DEVLIN.

Assembly Constitutional Amendments Nos. 25, 28, 24, and 8 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 642—An Act to amend Section 3653 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back without recommendation.

TAYLOR, Chairman.

Senate Bill No. 642 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 602—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Senate Bill No. 486—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony and for payment of same.

Senate Bill No. 628—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park.

NELSON, Chairman.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Oneal, Assembly Bill No. 394 was ordered recalled from committee and placed on file.

CONSIDERATION OF SENATE SPECIAL FILE.

Senator Flint asked and was granted unanimous consent to take up Senate Bills Nos. 549, 550, and 551 for immediate consideration.

Senate Bill No. 549—An Act to amend Sections 7 and 8 of the Civil Code of the State of California, relating to legal holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 549 passed by the following vote:

AYES—Senators Belshaw, Bettman, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Rowell, Selvage, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 550—An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to legal holidays.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Curtin, Cutter, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 551—An Act to amend Sections 10, 11, and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 551 passed by the following vote:

AYES—Senators Bettman, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Oneal moved to reconsider the vote whereby the Assembly amendments to Senate Bill No. 19 were this day concurred in.

The question being on the motion to reconsider.

The roll was called, and motion to reconsider carried by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Curtin, Davis, Flint, Greenwell, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—21.
NOES—Senators Corlett, Currier, and Rowell—3.

The question then being, "Shall the Senate concur in Assembly amendments to Senate Bill No. 19?"

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 19 by the following vote:

AYES—Senators Currier, Rowell, and Smith of Los Angeles—3.
NOES—Senators Belshaw, Bettman, Byrnes, Davis, Greenwell, Lardner, Leavitt, Lukens, Nelson, Nutt, Oneal, Plunkett, Selvage, Simpson, Taylor, Tyrrell of San Francisco, and Welch—17.

Whereupon the Secretary was directed to inform the Assembly of the Senate's action.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Senator Goad, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 8, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Rowell, Selvaige, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—29.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Thursday, March 7, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, March 4, 1901, having been previously read and corrected, was approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 773—An Act to change and permanently locate the boundary line between the counties of Del Norte and Siskiyou.

Also: Assembly Bill No. 597—An Act to provide for the compilation, printing, binding, and publishing of a Legislative Manual and State Blue Book, or Roster, making a continuous appropriation for the same, and repealing conflicting Acts.

Also: Assembly Bill No. 330—An Act to amend Sections 4, 5, and 8 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State.'"

Also: Assembly Bill No. 456—An Act to add a new section to the Political Code of the State of California, to be known as Section 4045, relating to the powers of boards of supervisors, city councils, and town trustees in their respective counties, cities, and towns, and to impose a license tax at a rate to be fixed annually by them, upon certain named persons, occupations, and business.

Also: Assembly Bill No. 238—An Act making an appropriation for repairs and improvements at the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably in the Civil War.

Also: Assembly Bill No. 363—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of Boards of Trustees of cities of the fifth class.

Also: Assembly Bill No. 702—An Act to amend Sections 3462 and 3463 of the Political Code.

Also: Assembly Bill No. 606—An Act making an appropriation for the payment of salaries of additional clerks in the office of the Secretary of the Board of Examiners for the balance of the fifty-second fiscal year.

Also: Assembly Bill No. 416—An Act to create and regulate public warehouses.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 773 read first time, and referred to Committee on County Government.

Assembly Bill No. 597 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Assembly Bill No. 330 read first time, and referred to Committee on Education.

Assembly Bill No. 456 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 238 read first time, and referred to Committee on Finance.

Assembly Bill No. 363 read first time, and, on motion of Senator Taylor, ordered on file without reference to committee.

Assembly Bill No. 702 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 606 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Assembly Bill No. 416 read first time, and referred to Committee on Manufactures.

RESOLUTION.

The following resolution was offered by Senator Cutter:

Resolved, That the following resolution adopted by the Senate on the 20th day of February, 1901, be and the same is hereby rescinded:

Resolved, That the President of the Senate is hereby authorized and empowered to appoint a committee of three hold-over Senators, which committee shall visit and investigate the affairs of the State prisons at San Quentin and Folsom, both, as to business matters and management of the aforesaid institutions, and shall make a report thereon to the thirty-fifth session of the Legislature. Said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation as above mentioned; and is hereby authorized to send for persons and papers, to administer oaths to examine witnesses and compel their attendance, and do all other things necessary for a full and complete investigation.

Such committee is hereby authorized and empowered to employ such clerks and stenographers as in their judgment shall be necessary.

The Superintendent of State Printing is hereby directed to print such matters as said committee may require at any time. Said committee shall be entitled to, and receive, payable out of the Contingent Fund of the Senate, such sums as may be necessary to defray their necessary traveling expenses and to pay the clerks and stenographer employed by them, under and by virtue of this resolution."

Resolution read.

Senator Davis moved that the resolution be laid upon the table temporarily, to be taken up for consideration after consideration of Assembly bills, in accordance with Senate Concurrent Resolution No. 18.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined Senate Bill No. 634—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fourth session—and report that the same has been correctly enrolled; and presented the same to the Governor on this, the 8th day of March, 1901, at nine o'clock and twenty-seven minutes A. M.

Also: That they have examined and found the following bill correctly reengrossed: Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

NELSON, Chairman.

Senate Bill No. 393 ordered on file for passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS, ETC.

In accordance with Concurrent Resolution No. 18, previously adopted by the Senate and Assembly, the Senate proceeded to consider the Special File of Assembly Bills.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Passed on file.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Passed on file.

Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Passed on file.

Assembly Constitutional Amendment No. 11—Proposing to the people of the State of California that a new section be added to the Constitution, to be known and designated as Section 8½, Article II thereof.

Passed on file.

Assembly Bill No. 422—An Act making an appropriation of \$15,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 422 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Rowell, Selvage, Smith of Los Angeles, Taylor, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 584—An Act to provide for the location, construction, and maintenance of a State highway commencing at a point in Contra Costa County at or near the residence of W. H. Buckley, on the Fish Ranch Road, and running thence to the western end of what is known as Kennedy's Tunnel, in Alameda County; creating the Alameda-Contra Costa Highway Fund; prescribing the duties of the various officers in connection therewith, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 584 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Greenwell, Hoey, Lardner, Leavitt, Lukens, Muentner, Nelson, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—21.

NOES—Senators Nutt and Rowell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 449—An Act to amend the Code of Civil Procedure,

by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Cutter moved a call of the Senate.

Time, ten o'clock and fifty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—30.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Cutter.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 449 was finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—24.

NOES—Senators Ashe, Curtin, Devlin, Nutt, and Rowell—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Luchsinger gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 449 was this day finally passed.

Assembly Bill No. 93—An Act to secure to native-born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 764—An Act to revise the Penal Code of the State

of California by amending certain sections, repealing others, and adding certain new sections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 764 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Oneal, Rowell, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Ashe, Curtin, and Nutt—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 565—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 565 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Hoey, Laird, Luchsinger, Lukens, Maggard, Nelson, Nutt, Selvage, Simpson Taylor, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 249—An Act to provide for the location, construction, and maintenance of a State highway, connecting the highway system of Santa Barbara County with the highway system of Kern County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 249 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 737—An Act making an appropriation of \$2,500 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to repair the boilers in the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 737 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Shortridge, Taylor, and Tyrrell of San Francisco—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 814—An Act creating the office of matron of the jail or prison in and for cities and towns having a population of over

twenty thousand, wherein official matrons or their duties are not now provided for by law, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Read third time, and passed on file.

Assembly Bill No. 812—An Act to amend Sections 1912, 1917, 1918, 1920, 1936, 1939, 1946, 1962, 1982, 1984, 1985, 2076, 2077, 2094; to repeal Sections 1981, 1983, 1990, 1992, 2032; and to add a new section, to be known and numbered as Section 1973a, all of and to the Political Code of the State of California, relating to the National Guard.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 812 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Devlin, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 198—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 198 finally passed by the following vote:

AYES—Senators Ashe, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Lardner, Luchsinger, Maggard, Muenter, Nelson, Nutt, Oneal, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—21.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 15—Relative to the "Humboldt Indian Claims."

During the reading of joint resolution, the following amendment was offered by Senator Davis:

Amend by striking out in the first resolution, lines one and two, the words "Resolved by the Assembly of the State of California, the Senate concurring," and inserting the following: "Resolved by the Senate and Assembly of the State of California, jointly."

Amendment adopted.

Joint resolution ordered to print and on file.

Assembly Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Passed on file.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 25.

To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article XX, relating to the hours of labor on public work.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session commencing on the seventh day of January, nineteen

hundred and one, two thirds of all members elected to each house concurring, hereby proposes that section seventeen of article twenty of the Constitution of said State be amended so as to read as follows, to wit:

Section 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work and prescribe proper penalties for the speedy and efficient enforcement of said law.

Assembly Constitutional Amendment No. 25 read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 25 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Selva, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 28.

A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Article XX by adding thereto two new sections, to be known as Sections numbers 21 and 22, relating to a State commission to have charge, in certain respects, of railroads, transportation companies, common carriers, banks, insurance companies, water, gas, and electric light and power, telephone companies, telegraph companies, and sleeping car companies, and express companies, and of certain services and commodities, howsoever supplied to the public, and regulations concerning the same, and repealing certain present constitutional provisions relative to the same subject.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, A. D. nineteen hundred and one, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that article twenty of the Constitution of said State be amended by adding thereto two new sections, to be known as sections numbers twenty-one and twenty-two, and that sections twenty-two and twenty-three of article twelve of the Constitution be annulled; which said new sections shall read as follows, to wit:

Section 21. There is hereby created a commission, to be known as the State Commission, and to be composed of five persons, which commission shall have the powers herein specified and provided for. The State shall be divided into five districts, in each of which one commissioner shall be elected by the qualified electors thereof at the regular State or National elections, whose salary shall be six thousand dollars per year, to be paid by the State monthly, and whose term of office shall be ten years, commencing on the first Monday after the first day of January next succeeding his election. The members of the commission in the first instance shall be appointed by the Governor, one from each district, and the Governor shall designate one thereof to hold office for two years and one for four years, one for six years, one for eight years, and one for ten years, or until their respective successors are elected; and in making such appointments the Governor shall not appoint more than three commissioners from any one political party. At the next general State or National election, and thereafter every two years at a general State or National election, a successor shall be elected, as above provided, for the commissioner whose term of office will next thereafter expire. The commissioner having the shortest period of time to serve shall be known as "Chief Commissioner," and shall be the presiding officer of the commission. The commission shall have a general office in such place as it may determine from time to time, and shall appoint such clerks and employes as it may from time to time deem necessary, and shall be allowed all necessary costs of travel in performance of duties, and all the expenses and salaries in the premises shall be paid by the State; but the Legislature may from time to time, in its discretion, regulate the salaries of all clerks and employes, but, failing so to do, the commission shall have power to fix the same. The commission shall be deemed to be in continuous session, but may sit at any place or places in the State and at any time as it may determine necessary in the conduct of its business. The commissioners shall be qualified electors of the State and of the district from which they are elected or appointed, and shall not be interested directly or indirectly as stockholder, creditor, agent, attorney, or employe or otherwise, in any of the corporations, companies, or business over which they have charge, as herein provided, and the act of a majority of the commissioners shall be deemed to be and shall be the act of the commission. The

commission shall, from and after said appointment of members, have exclusive jurisdiction and power, and it shall be their duty, after notice and full investigation and hearing, to determine, fix, and establish all and every the rates and charges for services performed and commodities furnished in this State, by whomsoever performed or furnished, and whosoever in this State the same may be performed or furnished, in respect to any and all the following:

(a) Transportation of passengers and freight, and all other services by all common carriers;

(b) Gas, electric light, and power and water for any purpose (except where any of the same is to be supplied by a corporation or corporations solely to stockholders thereof without profit, and except waters supplied by irrigation districts, formed under the laws of the State, or sold or supplied by contract or grant in gross or for years and not distributed to consumers);

(c) Telephone and telegraph services;

(d) Sleeping car companies or corporations and all sleeping car services, and also to make regulations concerning the same;

(e) Express companies or corporations and all express service, and also to make regulations concerning the same.

All such rates shall be changed at any time by the commission, save that any rate, whenever once established, shall continue in force for the period of one year and until altered, and all such rates shall be reasonable considering the services performed or the commodity furnished. All rates so established shall be published by the commission in such way as it may determine, and shall take effect at a time to be specified by the commission. And from and after the appointment of its members, as aforesaid, the State Commission shall be the successor of the Board of Bank Commissioners, now existing under the statutes of this State (and the terms of office of the Bank Commissioners are hereby ended), with the same powers, authority, and duties now established or hereafter to be established by the Legislature, except where the same may conflict with this section; and from and after said appointment, the State Commission shall also be the successor of the Insurance Commissioner, under the statutes and codes of this State (and the term of office of the Insurance Commissioner is hereby ended), with the same powers, authority, and duties now established or hereafter to be established by the Legislature, except where the same may conflict with this section; and from and after said appointment, the State Commission shall in every respect, so far as relates to all and every the said rates and charges hereinbefore mentioned, and to all and every the matters and things howsoever connected with performing said services and furnishing and supplying said commodities, be the successor under the Constitution and laws of the State of the Boards of Supervisors and city and county or city or town councils and other governing body or bodies of the several counties, cities and counties, cities and towns of the State, with the same powers, authority, and duties now established by the Constitution and laws of the State, or hereafter to be established by the Legislature, except where the latter may conflict with this section. The State Commission shall have power to examine all books, records and papers relevant in all the premises by whomsoever owned or possessed, and all persons, and shall have power to issue and enforce obedience to subpoenas and all other necessary process; to hear and determine complaints; to administer oaths, take testimony and punish for contempt of its orders and processes in the same manner and to the same extent as courts of record, and to enforce their decisions and correct abuses through the medium of the courts. Whosoever shall be engaged in performing any of said services or furnishing any of said commodities and shall fail or refuse to conform to such rates, or shall charge rates in excess thereof, shall be fined not exceeding twenty thousand dollars for each offense, and every officer, agent or employé in the premises who shall demand or receive rates in excess thereof, or who shall in any manner violate the provisions of this section shall be fined not exceeding five thousand dollars or be imprisoned in the county jail not exceeding one year, and in all the actions last named, both civil and criminal, the rates established shall be deemed conclusively just and reasonable, and in any action for damages sustained by charging excessive rates the plaintiff in addition to actual damages may, in the discretion of the judge or jury, recover exemplary damages. The records of said commission shall be open to public inspection in the same manner and to the same extent as the records of courts. Nothing in this section contained shall prevent individuals from maintaining actions for damages or otherwise in any of the premises. Whosoever shall render any of the services or furnish any of the commodities herein mentioned or be in any way subject to the provisions of this section or said commission shall annually apply to the commission for and receive a license which shall authorize and empower the conduct of business in this State, and in cases where rates are collectible the collection of the rates fixed by authority of this action, and shall accompany such application with a sworn statement of the gross income realized for such services and commodities furnished or from the conduct of business in this State during the previous calendar year, and the commission shall annually fix the amount of such license in each case as nearly as may be according and proportionate to the gross income of the previous calendar year for the services or commodities furnished or for business done in this State, in each case, as compared with the aggregate gross income for all such services or commodities furnished or business done in this State, but in such a sum that the aggregate of all license fees shall not be less than the estimated aggregate of all the annual salaries and all expenses of the commission mentioned in this section for the ensuing year, and the commission shall

have power to tender such license and to collect such license fees on demand and by aid of the courts, and the amount of the license fixed by the commission shall be conclusively just and proportionate, and all such fees and also all moneys, howsoever collected or received by the commission, shall be paid to the Treasurer of the State, who shall keep the same in a fund to be called the State Commission Fund, and any surplus in such fund at the end of each year shall be transferred and belong to the General Fund. Whosoever shall neglect or refuse to pay any license fee within ten days after demand shall forfeit to the State the sum of five thousand dollars, to be collected by process of law and, in cases where rates are collectible, may also be enjoined from collecting any rates till such license fee is paid. The Legislature may, in addition to any penalties herein prescribed, enforce this section by forfeiture of franchise, charter or other rights, and may confer upon the State Commission such further authority as shall be deemed necessary to enable it to perform and enforce the provisions of this section and may by a two-thirds vote of all the members elected to each house remove any one or more of said commissioners from office for dereliction of duty, or corruption, or incompetency. Whenever a vacancy occurs in the office of State Commissioner, the Governor shall fill the same by appointment of a qualified person thereto, who shall hold office until his successor is elected at the next general State or National election for the unexpired term.

Sections twenty-two and twenty-three of article twelve of this Constitution are annulled.

Section 22. Under the foregoing section, the State Commission Districts of the State shall be as follows: The First District shall be composed of the counties of Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one State Commissioner shall in the first instance be appointed by the Governor and thereafter be elected; the Second District shall be composed of the counties of Alameda, Alpine, Amador, Calaveras, Contra Costa, El Dorado, Inyo, Mariposa, Mono, Sacramento, San Joaquin, Solano, and Tuolumne, from which one State Commissioner shall in the first instance be appointed by the Governor and thereafter be elected; the Third District shall be composed of the City and County of San Francisco, from which one State Commissioner shall in the first instance be appointed by the Governor and thereafter be elected; the Fourth District shall be composed of the counties of Fresno, Kern, Kings, Madera, Merced, Monterey, San Benito, San Mateo, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, and Ventura, from which one State Commissioner shall in the first instance be appointed by the Governor and thereafter be elected; and the Fifth District shall be composed of the counties of Los Angeles, Orange, Riverside, San Bernardino, and San Diego, from which one State Commissioner shall in the first instance be appointed by the Governor and thereafter be elected.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Cutter moved a call of the Senate.

Motion carried.

Time, twelve o'clock and twenty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty-three minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Cutter.

The roll of absentees was called.

Whereupon the President announced that Assembly Constitutional Amendment No. 28 was finally adopted by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Laird, Leavitt, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senators Ashe, Belshaw, Curtin, Lardner, Luchsinger, Lukens, Rowell, and Taylor—8.

Constitutional amendment ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Concurrent Resolution No. 17—Relative to adjournment *sine die*—have had the same under consideration, respectfully report the same back, and recommend that it be adopted as amended.

S. C. SMITH, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION.

Senator Smith of Kern asked and was granted unanimous consent to take up Senate Concurrent Resolution No. 17 for immediate consideration.

Senate Concurrent Resolution No. 17—Relative to adjournment *sine die*.

During the reading of concurrent resolution, the following amendment was submitted by the committee:

Amend by striking out the words "ninth, nineteen hundred and one, at twelve o'clock m.," and inserting in lieu thereof the words "sixteenth, nineteen hundred and one, at twelve o'clock midnight."

Amendment adopted.

Concurrent resolution ordered to print and on file.

BILLS RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Oneal, Assembly Bill No. 238 was ordered recalled from committee and placed on file.

On motion of Senator Smith of Kern, Assembly Bill No. 62 was ordered recalled from committee and placed on file.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Cutter:

Resolved, That the State Printer be and he is hereby directed to print five thousand additional copies of each of Senate Bills Nos. 559 and 560, and to deliver the same to the Secretary of State for distribution.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Cutter, Davis, Devlin, Flint, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Corlett, Currier, Cutter, Davis, Devlin, Flint, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

By Senator Smith of Kern:

Resolved, That no bill be placed upon its final passage in the Senate after two o'clock P. M. on the day of final adjournment.

Resolution read, and referred to Committee on Rules.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Hoey, Lardner, Leavitt, Luchsinger, Muentzer, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

Quorum present.

LEAVE OF ABSENCE.

Senator Goad was granted leave of absence for the balance of the day, on motion of Senator Corlett.

Senator Maggard was granted leave of absence for the balance of the day, on motion of Senator Luchsinger.

QUESTION OF PERSONAL PRIVILEGE.

Senator Wolfe arose to a question of personal privilege, and spoke as follows:

MR. PRESIDENT: I desire to arise to a question of personal privilege. I hold in my hand a copy of the San Francisco "Call," in which there was this morning an editorial headed "Senator Wolfe's Bitterness."

Now, ordinarily, Mr. President, I would pay very little attention to an editorial that referred to me in any way, that was contained in the San Francisco "Call." This editorial is not conceived out of any regard for the public good; it is not conceived for any worthy purpose. It is conceived out of the malice that the manager of the San Francisco "Call" bears to me, and has borne to me since I refused to do his bidding in the Legislature of the State of California two years ago and one year ago. Now, the editorial referred to alludes to the debate upon the floor of the Senate with reference to what is known as the China Basin lease. This is the first time, Mr. President, that the San Francisco "Call" has ever come out into the open in favor of the ratification of the China Basin lease. The San Francisco "Call" may be well termed the "hoodoo" in journalism in San Francisco, for in recent times, whenever it has favored anything, the public has paid absolutely no attention to it, and the measures have gone the other way. In San Francisco, it has absolutely no weight at all, for it has been demonstrated in recent times that the fact that the San Francisco "Call" advocates the election of a man to office, or the fact that the San Francisco "Call" attacks a man, has absolutely no weight with the thinking citizens of San Francisco and this State.

Prior to the last election, when I was a candidate for renomination to the office of State Senator, the pages of the "Call" were filled with attacks against me; not such attacks as I could resent in a legal way, or in the courts of the State, but in the same cowardly manner that characterizes the present management of the "Call." By innuendo and indirection they sought to tear down my character in the community in which I live. They endeavored by honorable and dishonorable means to defeat me for renomination, and when I had received the renomination there was no effort spared, either in the expenditure of money or the exercise of personal influence, small as it

may be, that the manager of the "Call" can exert in the City and County of San Francisco, that was not used to bring about my defeat for the office of State Senator. And what was the result? I was reelected to this office by a larger majority than that which sent me here the first time. I carried my own Assembly district by the largest majority that was ever given to a Republican candidate in the history of that district. So the "Call" and its manager, Mr. Leake, were silenced, and they had no opportunity to attack me again until the question of the China Basin lease came up; and I say that this is the first time that it was known in San Francisco, and in the State, that the "Call" was interested in the passage of the bill ratifying the China Basin lease; because if it had been known, Mr. President, it is my absolute belief that not all the eloquence of the gentlemen who favored it, not all their earnestness and sincerity in their cause, could have prevented its defeat upon the floor of the Senate.

Why, Mr. President, in the lower house of the Legislature there was a distinguished and honorable gentleman, a candidate for the office of Speaker of that body. He had served in that position honorably and well, and he sought reelection, as he was justly entitled to do, but it became known throughout the State of California that the Democratic manager of the "Call" was making the fight for that gentleman. It became known that he was trying to have it believed that the honorable, distinguished gentleman was his candidate for that office, and what was the result? Immediately there came a revulsion of feeling. The Republicans in the lower house in this State resented, and they refused to be delivered and managed by Mr. Leake, and therefore the gentleman was defeated for that office, and another gentleman, equally as honorable, was elected by the Assembly to that position.

Now, Mr. President, these are not the only matters in which the San Francisco "Call" has been on the losing side, and I do not propose to go into all of those questions at all, but what I want to especially emphasize here to-day is the evident personal malice that actuated the printing and publishing of this editorial. It uses the language that it used in the campaign. It pretends to belittle me by referring to me by my first name, by which I guess I am called by ninety-five per cent of those who know me. It pretends to belittle me by saying that I reflected upon the honor and the integrity of the merchants of the City and County of San Francisco.

Mr. President, I said the other day, in the debate upon that bill, that I thought I was in as close touch with the merchants of San Francisco as any of the honorable and distinguished Senators who were on the other side of this question. And that that is the truth I challenge contradiction. When the merchants of San Francisco have wanted legislation introduced upon the floor of this Senate, they have appointed their committees to wait upon me and ask me to take charge of their legislation. When the merchants of San Francisco and of the State wanted a bill introduced in the Legislature appropriating a large sum of money for the conservation of the waters of this State and the protection of their forests, something new in the history of California, they appointed a committee of gentlemen to wait upon me, and asked me as an especial favor to take charge of that legislation, and I am happy to say that to-day that bill is in the hands of the Governor. When the wholesale merchants of San Francisco, a great many of whom belong to these organizations to which allusion was made yesterday, wanted a bill introduced that should protect them from the fraud of the people with whom they transact their business, they appointed a committee to wait upon me in my office, and asked me to take charge of their legislation, and I am happy to say that that bill has passed the Senate, and is at the head of the third-reading file in the Assembly at the present time. When they wanted a State normal school in San Francisco, they asked me to take charge of that legislation, but I am greatly indebted to the assistance of my colleagues from San Francisco upon the floor of the Senate for the passage of that measure, as well as for the passage of the measure that appropriates a fund for the erection of a building.

Now, Mr. President, at the adjournment of the last session of the Legislature, Senator Smith of Kern, a gentleman whom I have always held in high regard, though we have differed time and time again upon the floor of this Senate upon important matters of public policy, and with reference to the political aspirations of the distinguished gentlemen of this State, Senator Smith of Kern, in shaking me by the hand, bidding me good bye, asked me if I intended to return to the Senate of the State of California. I told him I did not think so, and he said, "I hope that you will come"; and I said, "Why do you say that?" He said, "Because we have been able to know that which San Francisco wants, and we appreciate your services for your city." So the leader of the gentlemen who favored the ratification of the China Basin lease does not agree with the editor of the San Francisco "Call" in his attack upon my record in the Legislature of the State of California.

Now, Mr. President, this article deliberately misstates my remarks upon the floor of the Senate on Wednesday. I particularly said that I knew of the honor and integrity of the merchants of San Francisco and the State. What I did do was to criticize the ease and facility with which resolutions were passed by the Merchants' Association of San Francisco upon every conceivable measure that came before the Legislature of the State of California. I said, "Where are the resolutions from this body affecting the measures asked for by the laboring classes of the State?" I said, "Where are the resolutions asking for the passage of a constitutional amendment that shall control and regulate telephone charges and the management of the telephone business in the State of California?" "Because," I said, "if ever there was a demand for legislation from the people of the State, it was for legislation of that kind, and they were silent."

Perchance," I said, "that some of them might be personally interested in matters of that kind."

Now, Mr. President, it perhaps is not a matter of general importance to the Senate—the attack that has been made upon me, but I remember the speech made by the eloquent gentleman from Amador the other day, and I shall long remember it, and remember what he said with reference to the time having gone by when a man can climb to power in the State of California by attacking corporations. He thanked God that that time had forever gone by in this State, and I indorsed that sentiment; but I say, sir, thank God the time has gone by in the State of California when a man must bend the knee to the manager of a great newspaper in order that he may get political preferment at the hands of his constituents. The time has gone by when a man need fear the attacks of a newspaper, so long as he is conscious of the rectitude of his purpose and the honesty of his intentions in representing the people of the State. Why, sir, were a man to so prostitute himself as to become the creature of a man like the man who wrote that editorial he should be held up to the eternal contempt of all mankind, for he would have to follow him in such narrow and slimy paths that he would not be worthy of the respect of his fellow citizens.

Why, sir, I have lived in San Francisco nearly all my life; I have held positions of trust there; I have held positions not of profit, but positions of honor, in the City of San Francisco, and I will place my reputation in the community in which I live against that of the gentleman who wrote that editorial.

Why, sir, it will be but a short time before there will be a change in the name of the management of the San Francisco "Call." I prophesy that upon the floor of the Senate to-day, because the man who found him—the man who placed him in that position—is denouncing him from one end of San Francisco to the other. So that I say, Mr. President, a man need not fear attacks of that kind, and were it not for the position in which he seeks to place me with the merchants of San Francisco, a great many of whom, on the Board of Trade and on the Chamber of Commerce, are my personal friends, I would not have taken up the time of the Senate in the manner that I have done.

MOTION TO RECONSIDER WITHDRAWN.

Senator Simpson gave notice that he would not on this day move to reconsider the vote whereby Senate Bill No. 245—An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court—was on yesterday passed.

Senate Bill No. 245 ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS, ETC.—(RESUMED).

Assembly Constitutional Amendment No. 24—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 12 of Article XIII of said Constitution, so as to abolish poll-taxes in the State of California.

Passed on file.

Assembly Bill No. 505—An Act defining what moneys constitute the Contingent Fund of the California Home for the Care and Training of Feeble-Minded Children, and providing for the expenditures thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 505 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Rowell, Selva, Simpson, Sims, and Tyrrell of Nevada—25.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of

California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

During reading of constitutional amendment, the following amendment was submitted by the committee:

Amend by striking out the word "regular," after the word "hold," in line twenty-five, and before the word "sessions," in line twenty-six, page five, printed bill, and inserting in lieu thereof the word "special."

Amendment lost.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Simpson moved a call of the Senate.

Motion carried.

Time, two o'clock and fifty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Lardner, Luchsinger, Lukens, Muentzer, Nelson, Oneal, Plunkett, Rowell, Selvaige, Shortridge, Simpson, Sims, Smith of Los Angeles, and Tyrrell of San Francisco—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At two o'clock and fifty-eight minutes P. M., Senator Welch was brought to the bar of the Senate, and, on motion of Senator Curtin, excused for absence from the Senate chamber.

At three o'clock P. M., Senator Byrnes was brought to the bar of the Senate, and, on motion of Senator Lukens, excused for absence from the Senate chamber.

At three o'clock P. M., Senator Nutt was brought to the bar of the Senate, and, on motion of Senator Simpson, excused for absence from the Senate chamber.

At three o'clock and three minutes P. M., Senator Smith of Kern was brought to the bar of the Senate, and, on motion of Senator Davis, excused for absence from the Senate chamber.

At three o'clock and four minutes P. M., Senator Wolfe was brought to the bar of the Senate, and, on motion of Senator Oneal, excused for absence from the Senate chamber.

At three o'clock and ten minutes P. M., Senator Laird was brought to the bar of the Senate, and, on motion of Senator Curtin, excused for absence from the Senate chamber.

At three o'clock and fifteen minutes P. M., Senator Taylor was brought to the bar of the Senate, and, on motion of Senator Lukens, excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and twenty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Simpson.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Constitutional Amendment No. 9 was refused adoption by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nutt, Rowell, Selvage, Sims, and Smith of Los Angeles—20.

NOES—Senators Bettman, Byrnes, Hoey, Laird, Nelson, Oneal, Plunkett, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—14.

NOTICES OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 9 was this day refused adoption.

Senator Smith of Kern gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 28 was this day finally adopted.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS, ETC.—(RESUMED).

Assembly Constitutional Amendment No. 19—Proposing that Section 1 of Article II of the Constitution of California, relating to the rights of citizens in voting, be amended by extending the right to vote to females over the age of twenty-one years for the purpose of electing school trustees, boards of education, or for voting upon issuance of school bonds or the levy of school taxes.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 19 refused adoption by the following vote:

AYES—Senators Caldwell, Corlett, Davis, Lardner, Muentner, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, and Tyrrell of Nevada—14.

NOES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Currier, Curtin, Cutter, Devlin, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Sims, Tyrrell of San Francisco, Welch, and Wolfe—21.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 814—An Act creating the office of matron of the jail or prison in and for cities and towns having a population of over twenty thousand, wherein official matrons or their duties are not now provided for by law, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Read third time on this day.

Senator Taylor moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines two and three, the words "having a population of over twenty thousand inhabitants," and inserting the words "of the first, first and one half, second, and third classes."

Also: Amend by striking out of Section 1, lines seven and eight, the words "which have a population of over twenty thousand inhabitants," and inserting the words "of the first, first and one half, second, and third classes."

Also: Amend by striking out Section 3, page two, and inserting the following:

"SEC. 3. The compensation of such matrons, hereby regulated in proportion to the duties to be discharged, shall be as follows, payable monthly: In and for such cities of the first class, seventy-five dollars per month; in and for such cities of the first and one-half class, and of the second class, sixty-five dollars per month; in and for such cities of the third class, fifty dollars per month."

Also: Amend by striking out of title, lines two and three, the words "having a population of over twenty thousand," and inserting the words "of the first, first and one half, second, and third classes."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 814—An Act creating the office of matron of the jail or prison in and for cities and towns having a population of over twenty thousand, wherein official matrons or their duties are not now provided for by law, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron—with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 807—An Act to provide an additional Judge of the Superior Court of the County of Alameda.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 807 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Hoey, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 569—An Act to execute and carry into effect Section 3 of Article XXII of the Constitution of the State of California.

Also: Have examined the following Senate bills:

Senate Bill No. 637—An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor.

Senate Bill No. 473—An Act adding a new section to the Political Code of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods.

Senate Bill No. 365—An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State.

Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII by adding a new section thereto, to be known as Section 13, relating to the exemption from taxation of all bonds issued by the State of California or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts) within said State.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

Senate Bill No. 557—An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons, arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions.

Senate Bill No. 627—An Act to authorize and empower the State Board of Prison Directors to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold.

Senate Concurrent Resolution No. 18—Relative to consideration of Senate and Assembly bills on March 8, 1901.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 8th day of March, 1901, at three o'clock and thirty-five minutes P. M.

NELSON, Chairman.

Senate Bill No. 569 ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Devlin moved a reconsideration of the vote whereby Assembly Bill No. 124—An Act to provide for the construction of a State highway or model wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating money and crushed rock, and granite or stone blocks, for drains and culverts therefor—was refused passage.

The roll was called, and motion to reconsider carried by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pace, Plunkett, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—Senators Nutt and Rowell—2.

Assembly Bill No. 124—An Act to provide for the construction of a State highway or model wagon road from Sacramento City to Folsom, in Sacramento County, and appropriating money and crushed rock, and granite or stone blocks, for drains and culverts therefor.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 124 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Davis, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—24.

NOES—Senators Nutt, Oneal, Rowell, Smith of Kern, and Tyrrell of San Francisco—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 435—An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 435 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Hoey, Laird, Leavitt, Luchsinger, Muentner, Nutt, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senator Tyrrell of Nevada—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 41—An Act to provide for a segregated hospital building, and for further equipping of the Deaf, Dumb, and Blind Asylum at Berkeley.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 41 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 366, entitled "An Act to authorize suits against the State concerning certain real property, and regulating the procedure therein"; and No. 542, entitled "An Act making an appropriation for the propagation of steelhead trout in Humboldt County."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 652, entitled "An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fourth session of the Legislature"; No. 216, entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies"; No. 541, entitled "An Act making an appropriation of fifty thousand (\$50,000) dollars for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto"; also, Substitute for Senate Bill No. 167, entitled "An Act making an appropriation for the erection in the State burial plot at Sacramento of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; Hon. Dana Perkins, late State Librarian; Hon. Thomas A. Springer, late State Printer, and Hon. Barnabas Collins, late Assemblyman from the Seventh Assembly District."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 510, entitled "An Act making an appropriation of two hundred thousand (\$200,000) dollars for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto"; and No. 560, entitled "An Act requiring corporations organized under the laws of another State, Territory, or foreign country to file a certified copy of their articles of incorporation in the office of the Secretary of State, and a certified copy thereof, duly certified by the Secretary of State of this State, in the office of the County Clerk of the county where its principal place of business is located, and also where such corporation owns property, and requiring such corporation to pay to the Secretary of State the same fees as are paid by corporations formed under the laws of the State of California, and providing for a penalty for the violation of the provisions of this Act."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 181, entitled "An Act for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property."

While a law for the dissolution of irrigation districts seems to be needed to relieve the electors of the districts from many harassing conditions occasioned by inability to carry out district plans, I regret that I cannot approve the present measure. The many important rights and interests of the creditors, as well as the electors, of the various districts require the preparation of a careful and specific law for the speedy determination of such rights and interests upon the dissolution of the districts.

The present bill is obscurely worded in some of its most material parts, and its approval would result in much complicated litigation, rather than in attaining the object desired of a simple and summary remedy.

A few parts of the bill are invalid on account of their plain violation of constitutional provisions. The closing sentence of Section 4 is an instance, where it reads: "Either party shall have the right to appeal at any time within thirty days after the entering of such judgment, and the appeal must be heard and determined within three months after the taking of such appeal."

This provision violates the third subdivision of Section 25, Article IV, of the State Constitution. [See *Cullen vs. Glendora Water Co.*, 113 Cal. 504.]

The object of creating such corporations as are provided for in Section 7 of the bill is not apparent, but as this provision is foreign to the purpose of the bill, and is not expressed in its title, I assume that such provision would be invalid.

It is difficult to understand the meaning of the word "franchises," appearing in Sections 7 and 8 of the bill, which are to be purchased by the corporation or decreed by the court to be conveyed. Irrigation districts as organized are in the nature of municipal corporations, and franchises owned and exercised by them mainly arise and exist from their character as political bodies. The sale and conveyance of such franchises as are of a municipal character possessed by irrigation districts would be prohibited by Section 13 of Article XI of the State Constitution.

HENRY T. GAGE,

Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 67, entitled "An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawnbroker and others, and specifying the penalty therefor."

This bill is designed to amend Section 343 of the Penal Code relating to pawnbrokers, and changes the existing law by compelling under penalty of being found guilty of a misdemeanor every pawnbroker, his agent, clerk, employe, or servant to produce his register and to exhibit all articles received by him in pledge or purchased by him, and his account of sales and purchases, for the inspection of any Sheriff, Chief of Police, City Marshal, or any other person specially authorized in writing by either of them.

As the law now reads, such inspection may be compelled under penalty of being found guilty of a misdemeanor, by any officer holding a search-warrant, or upon order of a committing magistrate directing an officer to make such inspection.

A law has recently been passed by this Legislature adding a new section to the Penal Code, numbered 344, which makes said section of the Penal Code applicable to all persons carrying on the business of junk-dealers, their clerks, employes, servants, and agents, as well as to pawnbrokers.

All persons, therefore, carrying on the business of junk-dealing and of pawnbroking, their employes and agents, will be subject to the penal provisions of this bill, if it be permitted to become a law.

While it is right and expedient to legislate against illicit methods in conducting the business of junk-dealing and pawnbroking, so as to prevent criminals from concealing and disposing of stolen property, yet on the other hand the law should not be so extended as to permit such dealers to be wronged or oppressed as the result of too rigid and extreme legislation.

As long as it is lawful for persons to engage in the business of pawnbroking and junk-dealing, there is no justification in subjecting such persons to probable oppression by forcing them upon mere pretext or whim to exhibit all of the articles purchased by them or received in pledge, or their business accounts, to any person who might be able to secure a written order from a Sheriff, Chief of Police, or City Marshal.

The enactment of such a law would tend to drive from these lawful pursuits reputable people who now gain their livelihood by such business, and would moreover induce the employment of disreputable methods and schemes to evade the unjust provisions.

The wisdom of penal laws lies in the proper adjustment of ethical balances, and when the provisions are discriminatory and oppressive the direct and substantial object of preventing crime is never attained.

HENRY T. GAGE,

Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 199, entitled "An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands."

It is proposed by the present bill to amend Section 680 of the Political Code by taking from the State Board of Examiners the power of investing the proceeds of the sale of State school lands in the civil funded bonds of this State, United States bonds, and in bonds of the several counties, and giving this power to the State Treasurer, to be exercised by and with the approval of the Board of Examiners, and with like further power to said State Treasurer to invest said money in bonds of the several municipalities and school districts of this State.

I perceive no reason nor necessity for this transfer of duty from the Board of Examiners, and danger may be apprehended from authorizing the investment of such school funds in municipal and school district bonds. It would be difficult for the State Treas-

urer and Board of Examiners to become acquainted and satisfied with these various classes of securities for investment; and, besides entailing great labor upon the Attorney-General in their examination, it is not unlikely that politics might in the future enter as a factor in the negotiations for the sale of such municipal and school district securities, thus imperiling the safety of these funds.

It is preferable that the school money should remain partly uninvested, waiting the better class of securities, than that the capital should be subjected to the risk of future complications and embarrassments which might arise under the proposed bill.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body, without my approval, with my objections thereto, Senate Bill No. 370, entitled "An Act to amend Section 1 of an Act entitled 'An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally-enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act,' approved March 31, 1897."

While the amendments proposed by this bill to the said Act of March 31, 1897, respecting the construction to be given the commitment of the court in the matter of the admission of inmates to the Home for the Care and Training of Feeble-Minded Children, and respecting the further duties imposed upon the county auditors and treasurers, which amendments would otherwise meet with my approval, yet on the other hand these beneficial amendments are offset by the provision inserted in this bill requiring the report of the superintendent of the home to be filed only in the office of and for the special information of the State Controller, instead of, as now required, in the offices of the State Treasurer, Board of Examiners, and of the Controller. It is especially a matter of importance that the State Treasurer and Board of Examiners should be furnished with this information, and there is neither reason nor excuse for amending the present law by depriving these officers of equal power and equal sources of information concerning the care and expenditures of the home which it is designed by this amendment to give to the Controller alone.

HENRY T. GAGE,
Governor of the State of California.

SPECIAL ORDER SET.

On motion of Senator Cutter, further consideration of above messages from the Governor was made special order for Monday, March 11, 1901, at eight o'clock P. M.

RECESS.

At the hour of five o'clock P. M., on motion of Senator Smith of Kern, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muenster, Nelson, Oneal, Pace, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

Quorum present.

LEAVE OF ABSENCE.

Senator Caldwell was granted leave of absence for the balance of this day, on his own motion.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That the name of J. A. Vaughan, stenographer of the Finance Committee, be, and the same is hereby dropped from the payroll of the Senate, to date from March 9, 1901.

Resolution read.

SUSPENSION OF THE RULES.

Senator Smith of Kern moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pace, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Welch—24.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pace, Rowell, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—21.

NOES—None.

Also:

Resolved, That Miss Katie Bentley be appointed stenographer of the Committee on Finance at \$6 per day, such appointment to date from March 10, 1901.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pace, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Welch—24.

NOES—None.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special orders heretofore set having arrived, the same were taken up.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

During further second reading of bill, the following amendments were offered:

By Senator Simpson:

Amend Section 159 by inserting in line two hundred and nine, page fourteen, of printed bill, after the word "assistant," the words "who shall be the chief deputy," and by striking out of line two hundred and twelve the word "forty," and inserting in lieu thereof the word "thirty-five."

Amendment adopted.

By Senator Oneal:

On page twenty-five, subdivision eleven, line thirty-eight, after the words "public administrator," insert the words "three hundred dollars per annum and."

Amendment adopted.

Also:

On page twenty-seven, Section 9, line one hundred and seven, at the end of subdivision sixteen, insert the following: "17. Subdivision seven of Section 161 of this Act shall take effect July one, nineteen hundred and one, and subdivisions thirteen, fourteen, fifteen, and sixteen of Section 161 of this Act shall take effect April one, nineteen hundred and one."

Amendment adopted.

By Senator Caldwell:

On page fifty-four, Section 19, line eleven, insert after the word "annum" the following: "and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of his county."

Amendment adopted.

Also:

On page fifty-four, line eleven, strike out the period after the word "annum."

Amendment adopted.

By Senator Belshaw:

On page eighty-eight, Section 33, line seventeen, strike out the words "four hundred."

Amendment adopted.

By Senator Oneal:

In Section 9, subdivision seven, line nineteen, strike out the comma after the word "supervisor," and insert the words "whose term of office shall be for the period of four years."

Amendment adopted.

By Senator Curtin:

On page one hundred and sixteen, Section 42, line ninety-eight, strike out the word "thirty," and insert in lieu thereof the word "forty."

Amendment adopted.

Also:

On page one hundred and nineteen, Section 43, strike out all of lines thirty-five, thirty-six, and thirty-seven of printed bill.

Amendment adopted.

By Senator Cutter (for Senator Maggard):

On page one hundred and ten, Section 40, line twelve, strike out the words "twenty-three hundred," and insert in lieu thereof the words "three thousand."

Amendment adopted.

By Senator Laird:

On page one hundred and thirty eight, Section 55, strike out the words "from his residence to the county seat in going only," after the word "traveling," in lines thirty-five and thirty-six, and insert in lieu thereof the words "one way only from his residence to the county seat at each sitting of the board."

Amendment adopted.

By Senator Taylor:

Amend Section 8 by inserting after the word "sheriff," line fifty-three, the words: "provided, that for the period prior to January first, nineteen hundred and three, said matron shall be appointed by the Board of Supervisors, and as to said office and appointment this subdivision shall take effect immediately."

Amendment adopted.

Also:

Amend by inserting in Section 8, page twenty-four, preceding Section 9, the following: "17. Each of the official reporters of the Superior Court, in counties of this class, shall receive as full compensation for taking notes in civil and criminal cases tried in said court a monthly salary of one hundred and fifty (\$150.00) dollars, payable out of the county treasury, in the same manner and at the same time as salaries of county officers are paid.

"For transcription of said notes, when required, he shall receive fifteen (15) cents per folio; provided, that when more than one copy is required he shall receive ten (10) cents per folio for each copy.

"The compensation for transcription in criminal cases shall be paid on the order of the court, out of the county treasury.

"The fees for transcription in civil cases or proceedings shall be paid by the party ordering the same, or, when ordered by the judge, by either party or by both parties, as the court may direct.

"When the services of the reporter are required in any civil matter, the clerk shall collect for each day of trial five (\$5.00) dollars, one half from each party, and shall pay the same into the county treasury."

Amendment adopted.

Bill read second time, ordered to print and on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Lukens, further consideration of Senate Bill No. 650 was made special order for Monday, March 11, 1901, at eight o'clock P. M., following other special orders already set for that date and hour.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed: Senate Bill No. 603—An Act amending Section 1874 of the Political Code, providing for a Board of State Text-Book Commissioners; authorizing them to revise, compile, manufacture, and distribute school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; authorizing the payment of royalties for use of copyrighted matter, and for the performance of other acts necessary to procure a first-class uniform series of school text-books; granting powers to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of supplementary books and a list of apparatus for use in the common schools and district school libraries; prescribing books for use in various branches of the common schools; authorizing such commissioners to appoint a secretary, prescribing the duties of such secretary and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the adoption or revision of a State series of text-books; providing that the Superintendent of State Printing have supervision over printing such text-books; making an appropriation, to be known as the "text-book appropriation," and specifying the uses to which it may be put; directing of what funds the School-Book Fund shall consist, and prescribing the use of the money in said fund; repealing Section 1519 of the Political Code, relating to the State Board of Education, County Boards of Education, and to text-books to be used in the common schools.

NELSON, Chairman.

Senate Bill No. 603 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDERS—(RESUMED).

Senate Bill No. 603—An Act amending Section 1521 of the Political Code by adding new subdivisions thereto, relating to the State Board of Education; providing for the appointment of a Text-Book Commissioner and the formation of a Board of Text-Book Commissioners; prescribing their duties and fixing their compensation; providing for the publication of a uniform series of text-books; providing for the use of same in the common schools of the State; making an appropriation and authorizing the use of money derived from sale of text-books for carrying out the purpose of this Act; repealing Sections 1519, 1663, 1665, 1666, and 1874 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 603 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Hoey, Lardner, Leavitt, Lukens, Nelson, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Section 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—having arrived, on motion of Senator Cutter the same was postponed until Monday, March 11, 1901, at three o'clock and thirty minutes P. M., and was therefore made special order for that date and hour.

CONSIDERATION OF RESOLUTION.

The resolution offered by Senator Cutter this day, and temporarily laid on the table, was taken up, on motion of Senator Cutter:

Resolved, That the following resolution, adopted by the Senate on the 20th day of February, 1901, be and the same is hereby rescinded:

Resolved, That the President of the Senate is hereby authorized and empowered to appoint a committee of three hold-over Senators, which committee shall visit and investigate the affairs of the State prisons at San Quentin and Folsom, both as to business matters and management of the aforesaid institutions, and shall make a report thereon to the thirty-fifth session of the Legislature. Said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation as above mentioned; and is hereby authorized to send for persons and papers, to administer oaths, to examine witnesses and compel their attendance, and do all other things necessary for a full and complete investigation.

"Such committee is hereby authorized and empowered to employ such clerks and stenographers as in their judgment shall be necessary.

"The Superintendent of State Printing is hereby directed to print such matters as said committee may require at any time. Said committee shall be entitled to and receive, payable out of the Contingent Fund of the Senate, such sums as may be necessary to defray their necessary traveling expenses, and to pay the clerks and stenographer employed by them, under and by virtue of this resolution."

Resolution read.

The question being on the adoption of the resolution.

EXCUSED FROM VOTING.

Pending roll call, Senator Devlin asked consent of the Senate to be excused from voting, on account of his being a member of the Board of Prison Directors.

Consent granted.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bettman, Corlett, Curtin, Cutter, Flint, Laird, Leavitt, Lukens, Muenster, Nelson, Oneal, Pace, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, Welch, and Wolfe—18.

NOES—Senators Ashe, Belshaw, Burnett, Byrnes, Davis, Greenwell, Hoey, Lardner, and Plunkett—9.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No 412—An Act making an appropriation of money for the purchase of one hundred and sixty acres of additional land for use of the Napa State Hospital at Napa.

Senate Bill No. 644—An Act to amend Sections 2641, 2642, 2643, and 2645 of the Political Code of the State of California, and to add new sections thereto, to be known as and numbered Sections 2646, 2646a, 2646b, 2646c, 2646d, 2646e, 2646f, relating to abolishing the office of Road Commissioner, and creating the office of Roadmaster.

Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of Certified Public Accountant, and to provide the grade of penalty for violations of the provisions hereof.

NELSON, Chairman.

Senate Bills Nos. 412, 644, and 581 ordered on file for third reading.

THIRD READING OF BILL.

Assembly Bill No. 504—An Act to amend Section 330 of the Penal Code.
Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 504 refused passage by the following vote:

AYES—Senators Currier, Devlin, Flint, Lardner, Lukens, Muentner, Rowell, Smith of Kern, and Taylor—9.

NOES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Curtin, Davis, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Nelson, Oneal, Pace, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Tyrell of San Francisco, Welch, and Wolfe—22.

EXPLANATION OF VOTE.

Senator Belshaw made the following explanation of his vote:

I vote "no" on Assembly Bill No. 504 on account of the scandalous rumors pertaining to this measure, notwithstanding that I favor the abolition of the gambling machines which this bill seeks to reach.

SECOND READING OF BILL.

Assembly Bill No. 433—An Act to amend Section 1670 of the Political Code of the State of California.

During second reading of bill, the following amendments were offered by Senator Muentner:

Amend by inserting after the enacting clause, at the beginning of line one of the first page of printed bill, the following: "Section 1."

Amendment adopted.

Also:

Amend by striking out the word "to," in line two hundred and sixty-six of Section 1, page eight of printed bill, and inserting in lieu thereof the word "of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Welch, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day requested the return by your honorable body of Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority, of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889—for the purpose of correction.

Also: Concurred in Senate amendments to the following Assembly bills:

Assembly Bill No. 331—An Act to amend Section 374 of an Act entitled "An Act to establish a Penal Code."

Assembly Bill No. 292—An Act to provide for the payment of P. W. Forbes for costs of suit in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Assembly Bill No. 447—An Act making an appropriation to pay claims for conveying children to the Home for Feeble-Minded Children at Eldridge.

Assembly Bill No. 316—An Act to amend an Act entitled "An Act to provide for incorporation, operation, and management of cooperative associations," approved March 27, 1895.

Also: Refused to recede from its amendments to Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1899—and appointed Assemblymen Guilfoyle, Collins, and Johnson as a committee of conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the above request, the President pro tem. appointed Senators Shortridge, Leavitt, and Curtin as a committee of conference to meet a like committee from the Assembly.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600a relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Also: Senate Bill No. 142—An Act to divide the State into congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Also: Senate Bill No. 654—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell or convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro, Los Angeles & Salt Lake Railroad Company, for the purposes of a right of way for a steam railroad thereon.

Also: Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and cities and counties, and providing for a clerk and stenographers for county superintendents for cities and counties and for counties of the first class.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 71?"

After the word "telegraph," in line twelve of Section 1 of the printed bill, insert the words "or telephone."

The roll was called, and Assembly amendment to Senate Bill No. 71 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—27.

NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 142?"

After the word "Tuolumne," in line seven, page one, insert the words "shall constitute the First Congressional District."

Also: After the word "Marin," in line nine, insert the words "shall constitute the Second Congressional District."

Also: After the word "Solano," in line ten, insert the words "shall constitute the Third Congressional District."

Also: After the words "San Francisco," in line twenty-three, insert the words "shall constitute the Fourth Congressional District."

Also: After the words "Santa Clara," in line twenty-seven, insert the words "shall constitute the Fifth Congressional District."

Also: After the words "San Joaquin," in line twenty-nine, insert the words "shall constitute the Sixth Congressional District."

Also: After the words "Los Angeles," in line thirty, insert the words "shall constitute the Seventh Congressional District."

Also: After the words "San Diego," in line thirty-three, insert the words "shall constitute the Eighth Congressional District."

The roll was called, and Assembly amendments to Senate Bill No. 142 concurred in by the following vote:

AYES—Senator Bettman, Burnett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 164?"

Amend by inserting after the word "city," in line four of Section 2 of the printed bill, the words "having a population of more than thirty-five thousand inhabitants."

The roll was called, and Assembly amendment to Senate Bill No. 164 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pace, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, and Welch—27.

NOES—Senator Wolfe—1.

Senate Bills Nos. 71, 142, 654, and 164 ordered to enrollment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 630—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursements of taxes therein; the issuance and disposal of the bonds thereof; and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Senate Bill No. 630 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 17—Relating to legislative powers—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

CALDWELL, Chairman.

Assembly Constitutional Amendment No. 17 ordered on file.

ON CONSTITUTIONAL AMENDMENTS—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: The undersigned member of your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 17—Relating to legislative powers—has had the same under consideration, and respectfully reports the same back, and recommends that it be adopted.

LOUIS ONEAL.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 428—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LEAVITT, Chairman.

Senate Bill No. 428 ordered on file for second reading.

ON MANUFACTURES.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: Your Committee on Manufactures, to whom was referred Assembly Bill No. 416—An Act to create and regulate public warehouses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CORLETT, Chairman.

Assembly Bill No. 416 ordered on file for second reading.

MOTION TO RECONSIDER.

Senator Davis moved to reconsider the vote whereby Assembly amendment to Senate Bill No. 164 was this day concurred in.

The question being on the motion to reconsider.

The roll was called, and motion to reconsider carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pace, Rowell, Simpson, Taylor, and Tyrrell of San Francisco—23.

NOES—None.

FURTHER ACTION POSTPONED.

On motion of Senator Davis, further action on above amendment to Senate Bill No. 164 was postponed until next legislative day.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Taylor:

WHEREAS, There was presented to the Governor of this State on March 7, 1901, what purported to be Senate Bill No. 115, entitled "An Act to provide for the establishment of public libraries within municipalities," which was, in fact, incorrectly enrolled and was not a true copy of said bill; now, therefore, be it

Resolved by the Senate, That the Committee on Enrolled and Engrossed Bills cause said Senate Bill No. 115 to be correctly enrolled, and to present the same to the Governor, as required by law, and that said enrolled bill be accompanied with a copy of this resolution;

Resolved, That said Senate Bill No. 115 be immediately reprinted as required by law.

Resolution read and adopted.

SECOND READING OF BILL.

Senate Bill No. 638—An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILL.

Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Read third time.

SPECIAL ORDER SET.

On motion of Senator Belshaw, further consideration of Senate Bill No. 580 was made special order for Saturday, March 9, 1901, immediately after reading of Journal.

SECOND READING OF BILL.

Senate Bill No. 583—An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILL.

Senate Bill No. 569—An Act to execute and carry into effect Section 3 of Article XXII of the Constitution of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 569 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Corlett, Currier, Curtin, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt, Lukens, Nelson, Oneal, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and fifty-five minutes P. M., Senator Oneal moved that the Senate adjourn until Monday, March 11, 1901, at eleven o'clock A. M.

Senator Simpson moved to amend that the Senate do now adjourn.

Amendment adopted.

Whereupon the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 9, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—26.

Quorum present.

PRAYER.

Prayer by the Rev. C. L. Miel, of Sacramento.

READING OF JOURNAL.

The Journal of Friday, March 8, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 5, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Goad was granted leave of absence for the day, on motion of Senator Corlett.

Senator Flint was granted leave of absence for the day, on motion of Senator Luchsinger.

PETITION.

The following petition was presented by Senator Devlin, and ordered printed in the Journal:

WHEREAS, The committee appointed by the Senate at the thirty-second session of the Legislature to make an examination of State institutions, in referring to the Board of State Harbor Commissioners, reports: "There is no occasion whatever for a superintendent of the (ferry) building except to give some one a place, the law placing the superintendency of that building in the Chief Wharfinger"; and

WHEREAS, The commission now has a man on its pay-roll at \$100 per month as superintendent of the ferry building; and

WHEREAS, This Senate report further says: "There is no occasion for the employment of any police force by the Harbor Commission in the City of San Francisco, as it is the duty of the city and its police department to take care of all property within the city, and there is no authority of law and no necessity, so far as your committee can learn, for the maintenance of any such force"; and

WHEREAS, The commission now has in its employ two policemen at \$75 per month; and

WHEREAS, Said report further says: "Watchmen are maintained upon the wharves, which is an unnecessary expense, the claim being made that because the State does not insure its property, it becomes necessary to employ watchmen to guard it." Your committee is of the opinion that there is nothing substantial in this claim. On all the wharves occupied to any great extent by transportation companies they themselves keep a watchman for the protection of their own property, and certainly the State has no occasion to keep one itself under such circumstances, and there is no occasion for the employment of these watchmen that your committee is advised of; and

WHEREAS, The commission now employs three watchmen at a salary of \$75 per month; and

WHEREAS, Howard C. Holmes, chief engineer of the commission, in his report to the board for the two fiscal years ending June 30, 1900, says: "In the years 1899 and 1900 the number of cars switched on the Belt Railroad were 48,600, at an actual cost of about \$1.25 per car, or at a loss of fifty cents per car for every car switched," thus showing a loss of over \$12,000 per annum in this one item alone; and

WHEREAS, Grave charges of extravagance and unbusiness-like methods of management have been preferred against the Board of State Harbor Commissioners of San Francisco, not alone by the public press, but by reputable citizens and the Chamber of Commerce of San Francisco; therefore, be it

Resolved by Elk Grove Grange of the Order of Patrons of Husbandry, That we, the members of said grange, individually as taxpayers and citizens, and collectively as an organization, having the welfare of our State, and especially the agricultural interests thereof, at heart, do most earnestly, yet respectfully, request the Legislature of California at its present session to take some action looking toward the thorough and impartial investigation of the management of said commission; and we would suggest that a hold-over committee be appointed for this purpose, in order that it make a complete examination of the affairs of the commission and report to the next session of the Legislature. And we would suggest to the Legislature the advisability, in case such a committee is appointed, of placing men thereon of known integrity and ability (and we believe there are such among even our much-abused legislators), for, we believe, if an attempt is made to whitewash or smother this thing the day will come when it will "smell to high heaven" and be investigated by "the people," and when that day does come, woe betide the men and party who attempt to smother it; and be it further

Resolved, That a copy of this resolution, duly signed by the secretary of this grange, stamped with the seal thereof, and countersigned by the master, be forwarded to Robt. T. Devlin, our representative in the State Legislature at Sacramento, with the request that he lay this matter before the Legislature and urge its investigation; and be it further

Resolved, That every subordinate grange in California be asked to urge their representatives in the Legislature to take similar action, inasmuch as this is a matter that touches the pockets of every producer in the State.

L. S. DART, Master.
J. M. WOODARD, Secretary.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Senate Bill No. 580, having arrived, the same was taken up.

Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 580 passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Selva, Smith of Kern, Smith of Los Angeles, and Taylor—21.

NOES—Senators Nelson and Rowell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 584—An Act to amend Section 475 of the Political Code of the State of California, relating to clerks and phonographic reporter in the office of the Attorney-General, and fixing the salary thereof.

Also: Assembly Bill No. 758—An Act to amend Section 362 of the Civil Code.

Also: Assembly Bill No. 353—An Act to carry into effect Section 19 of Article XI of the Constitution of this State; to prevent monopoly, and secure to the inhabitants of any city or town the benefits of free competition in gas and electric service; to enable the legislative body of any city or town to regulate the rates of charges therefor; and to prevent discriminations, and provide penalties for violations thereof.

Also: Adopted Senate Concurrent Resolution No. 20—Relative to the absence of Governor Gage from the State of California.

Also: Senate Concurrent Resolution No. 21—Relative to the absence from the State of Lieutenant-Governor J. H. Neff.

Also: Passed Assembly Bill No. 402—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing of sheep.

Also: Senate Bill No. 56—An Act to amend Section 530 of "An Act to establish a Political Code relative to the office of Superintendent of State Printing, providing for the appointment of such officer by the Governor."

Also: Adopted Senate Concurrent Resolution No. 14—Relative to approving amendments to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 5th day of February, 1901.

Also: Passed Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Adopted Senate Constitutional Amendment No. 14—Proposing to the people of the State of California an amendment to Article II of the Constitution of the State by adding a new section thereto, to be known as Section 6, relating to elections.

Also: Amended, and passed as amended, Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Also: Struck out the enacting clause of Senate Bill No. 535—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transferring its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the

appointment of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties, and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Also: Passed Senate Bill No. 265—An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

Also: Senate Bill No. 479—An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor.

Also: Senate Bill No. 470—An Act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof.

Also: Senate Bill No. 568—An Act to amend Section 1197 of the Political Code, relating to elections.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 584 ordered to enrollment.

Assembly Bill No. 758 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 353 read first time, and referred to Committee on Corporations.

Senate Concurrent Resolutions Nos. 20 and 21 ordered to enrollment.

Assembly Bill No. 402 read first time, and referred to Committee on County Government; and, on motion of Senator Cutter, the committee was directed to report the same back on Monday morning, March 11, 1901.

Senate Bills Nos. 56 and 398 ordered to enrollment.

Senate Concurrent Resolution No. 14 ordered to enrollment.

Senate Constitutional Amendment No. 14 ordered to enrollment.

Senate Bills Nos. 265, 479, 470, and 568 ordered to enrollment.

SPECIAL ORDER SET.

On motion of Senator Belshaw, further consideration of Senate Bill No. 512 was made special order for Monday, March 11, 1901, after reading of the Journal.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—and appointed Assemblymen Stewart of San Diego, Anderson of Solano, and Schillig as a committee of conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the above request, the President appointed Senators Currier, Nutt, and Welch as a committee of conference to meet a like committee from the Assembly.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 599—An Act to amend Section 358 of the Civil Code, relating to organization and continuance of business of corporations.

Also: Assembly Bill No. 706—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

Also: Assembly Bill No. 61—An Act to add a new section to the Political Code, to be known as Section 1891.

Also: Assembly Bill No. 850—An Act to amend Section 531 of the Political Code of the State of California, relative to the duties and qualifications of the Superintendent of State Printing of said State.

Also: Assembly Bill No. 684—An Act to amend the Code of Civil Procedure of the State of California by adding thereto seven new sections, to be numbered 1060, 1061, 1062, 1062a, 1062b, 1062c, and 1062d, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successor or assigns of such transferee or grantee may sell, incur, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Also: Assembly Bill No. 227—An Act amending Section 1109 of the Penal Code of the State of California, relating to evidence on a trial for selling, furnishing, etc., lottery tickets.

Also: Assembly Bill No. 235—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.

Also: Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Also: Assembly Bill No. 766 (Committee Substitute for Assembly Bill No. 136)—An Act to amend Section 1665 and Section 1666 of the Political Code of the State of California, relating to the course of study for the public schools of this State.

Also: Assembly Bill No. 440—An Act to amend Section 25 and Section 52 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to powers of Supervisors of counties.

Also: Assembly Bill No. 685—An Act to amend the Code of Civil Procedure of the State of California by adding thereto six new sections, to be numbered 710, 711, 712, 713, 713a, and 713b; to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Also: Assembly Bill No. 543—An Act regulating the hours of service on regular duty by members of the fire department of cities, and cities and counties.

Also: Assembly Bill No. 869—An Act to amend Section 490 of the Civil Code, relating to railroad fares and tickets.

Also: Assembly Bill No. 707 (Committee Substitute for Assembly Bill No. 424)—An Act to amend Section 3521 of the Political Code of the State of California, relating to the time when patents for State lands can be issued.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 599 read first time, and referred to Committee on Corporations.

Assembly Bill No. 706 read first time, and referred to Committee on Education.

Assembly Bill No. 61 read first time, and referred to Committee on Education.

Assembly Bill No. 850 read first time, and referred to Committee on Printing.

Assembly Bill No. 684 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 227 read first time, and referred to Committee on Corporations.

Assembly Bill No. 235 read first time, and referred to Committee on Finance.

Senate Bill No. 319 ordered to enrollment.

Assembly Bill No. 766 read first time, and referred to Committee on Education.

Assembly Bill No. 440 read first time, and referred to Committee on County Government.

Assembly Bill No. 685 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 543 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 869 read first time, and referred to Committee on Corporations.

Assembly Bill No. 707 read first time, and referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 638—An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Senate Bill No. 583—An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections.

Also: Have examined and found the following bill correctly reengrossed:

Senate Bill No. 485—An Act to amend Section 19 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

NELSON, Chairman.

Senate Bill No. 485 ordered on file for passage.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 344—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 615—An Act to provide for the erection of water towers and tanks on the grounds of Agnews State Hospital, and appropriating money therefor.

Also: Assembly Bill No. 618—An Act to provide for the building and furnishing of a cottage upon the grounds of Agnews State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 617—An Act to provide for improving the grounds of Agnews State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 207—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

S. C. SMITH, Chairman.

Assembly Bills Nos. 344, 617, 615, 618, and 207 ordered on file for second reading.

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 707 (Committee Substitute for Assembly Bill No. 424)—An Act to amend Section 3521 of the Political Code of the State of California, relating to the time when patents for State lands can be issued—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ONEAL, Chairman.

ON REVENUE AND TAXATION—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 707 (Committee Substitute for Assembly Bill 424)—An Act to amend Section 3521 of the Political Code of the State of California, relating to the time when patents for State lands can be issued—have had the same under consideration, and respectfully report the same back, and as a minority of your committee I recommend that it do not pass.

J. B. CURTIN,
Minority of Committee.

Senate Bill No. 707 ordered on file for second reading.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 561—An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock except for medicinal purposes, and making the same a misdemeanor.

Senate Bill No. 547—An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Senate Bill No. 13—An Act to amend Sections 3, 5, 6, and 10 of an Act entitled "An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 9th day of March, 1901, at ten o'clock and thirty-five minutes A. M.

NELSON, Chairman.

CONSIDERATION OF SPECIAL FILE OF SENATE BILLS.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 609—An Act to define express companies, and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Passed on file.

Senate Bill No. 562—An Act entitled an Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto, enlarging the powers of boards of directors of such districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 562 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Carrier, Curtin, Cutter, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Selvage, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other

similar corporations; repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act.

Passed on file.

Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, wood-working and carpenter shop, and for the necessary machinery for equipping and operating the same, at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Hoey, Lardner, Luchsinger, Lukens, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 602—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Hoey, Laird, Lardner, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463—An Act to amend Section 3819 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 404—An Act making an additional appropriation for the support and maintenance of the State Normal School at San José, Santa Clara County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 404 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 355—An Act providing for the submission and enactment of ordinances by the direct vote of the qualified voters of counties, cities, and towns.

Passed on file.

Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe

State Wagon Road at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Passed on file.

Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water-front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

Passed on file.

Senate Bill No. 486—An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same.

Read third time.

Senator Devlin moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

Amend by adding after word "reward," in Section 1, line five, the words "not exceeding two hundred dollars."

Motion lost.

Also:

Amend by adding after the word "arrest," in Section 1, line five, the words "outside of its county."

Motion lost.

Also:

Amend by adding at end of line twelve, Section 1, the words "*provided*, that the aggregate amount of such rewards in any one year shall not exceed the sum of \$1,000."

Motion lost.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Belshaw moved a call of the Senate.

Motion carried.

Time, eleven o'clock and forty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Hoey, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-three minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 486 was passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Davis, Hoey, Laird, Lardner, Lukens, Nelson, Oneal, Pace, Plunkett, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—22.

NOES—Senators Devlin, Luchsinger, Nutt, and Rowell—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 224 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Corlett, Currier, Curtin, Davis, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Selvage, Shortridge, Smith of Los Angeles, Taylor, and Wolfe—21.

NOES—Senators Cutter, Nutt, Oneal, Pace, and Smith of Kern—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412—An Act making appropriation of money for the purchase of one hundred and sixty acres of additional land for use of the Napa State Hospital at Napa.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 412 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Shortridge, Welch, and Wolfe—21.

NOES—Senators Laird, and Smith of Kern—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 369—An Act to provide for the location, construction, and maintenance of a State highway, commencing at or near the City of San Jacinto, in Riverside County, and running thence to connect with the highway system of San Diego County, by way of the San Jacinto, Cabuilla, and Temecula valleys, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 615—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the distribution of its proceeds," approved March 23, 1893, and amended by an Act approved March 9, 1895, and further amended by an Act approved March 9, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 619—An Act to provide for restoration to capacity of persons adjudged to be insane who have no guardians, and who are not confined at State hospitals for the insane.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "such," in line ten, Section 2, second page, printed bill, the words "relative or."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "of it," in line seventeen, Section 2, second page, printed bill, and inserting in lieu thereof the words "or if."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "in" before the word "insane," in line twenty-eight, Section 2, third page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "given," in line nine, Section 3, third page, printed bill, the words "in the manner and."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "the," in line nine, Section 3, third page, printed bill, and inserting in lieu thereof the word "such."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting at the beginning of line ten, Section 3, third page, printed bill, the words "relative or."

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting after the word "made," in line eleven, Section 3, third page, printed bill, the words "as the Judge may direct."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the word "of," at the beginning of line twenty, Section 3, third page, printed bill, and inserting in lieu thereof the word "if."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 394—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Bill read second time, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Nutt:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senators Nutt and Luchsinger be and they are hereby permitted to introduce bills, to be numbered 656 and 657.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

INTRODUCTION OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Nutt: Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Bill read first time, and ordered on file.

By Senator Luchsinger: Senate Bill No. 657—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Bill read first time, and ordered on file.

ACTION ON ASSEMBLY AMENDMENTS TO SENATE BILL POSTPONED.

On motion of Senator Davis, further action on Assembly amendments to Senate Bill No. 164 was postponed until Assembly messages are again considered.

NOTICES OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Luchsinger, his notice of motion to reconsider the vote whereby Assembly Bill No. 449—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts—was on a previous day finally passed, was postponed until Monday, March 11, 1901.

On motion of Senator Cutter, the notice of motion given by Senator Simpson on a previous day to reconsider the vote whereby Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal—was on a previous day refused adoption, was postponed until Monday, March 11, 1901.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of Certified Public Accountant; and to provide the grade of penalty for violations of the provisions hereof.

Read third time.

Senator Ashe moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line one, the word "with," and inserting the word "within."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of Certified Public Accountant; and to provide the grade of penalty for violations of the provisions hereof—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Smith of Kern moved a reconsideration of the vote whereby Assembly Constitutional Amendment No. 28—A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Article XX by adding thereto two new sections, to be known as Sections 21 and 22, relating to a State commission to have charge, in certain respects, of railroads, transportation companies, common carriers, banks, insurance companies, water, gas, and electric light and power, telephone companies, telegraph companies, and sleeping car companies, and express companies, and of certain services and commodities, howsoever supplied to the public, and regulations concerning the same, and repealing certain present constitutional provisions relative to the same subject—was on a previous day adopted.

The motion was duly seconded.

Senator Taylor moved that further consideration of motion to reconsider be postponed until Saturday, March 16, 1901.

Senator Leavitt moved to lay motion on the table.

The question being on motion to lay on the table.

The roll was called, and motion lost by the following vote:

AYES—Senators Burnett, Corlett, Cutter, Devlin, Hoey, Laird, Leavitt, Nutt, Oneal, Tyrrell of Nevada, Welch, and Wolfe—12.

NOES—Senators Belshaw, Caldwell, Currier, Davis, Lardner, Luchsinger, Lukens, Nelson, Pace, Rowell, Selvage, Shortridge, Smith of Kern, and Taylor—14.

HOOR OF RECESS POSTPONED.

On motion of Senator Oneal, the hour for recess was postponed until subject under consideration could be disposed of.

Senator Smith of Kern moved to amend Senator Taylor's motion to postpone further consideration of motion to reconsider the vote whereby Assembly Constitutional Amendment No. 28 was adopted until Tuesday, March 12, 1901, at three o'clock and thirty minutes p. m.

Amendment adopted.

Whereupon the President declared further consideration of motion to reconsider a special order for that date and hour.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Shortridge, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 856—An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Also: Amended, and passed as amended, Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority, of the several counties, cities and counties, cities, and towns, of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Also: Passed Assembly Bill No. 873 (Committee Substitute for Assembly Bill No. 220)—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park.

Also: Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

Also: Senate Bill No. 614—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all Acts amendatory thereof as are in conflict herewith," approved March 20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to agricultural associations.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 856 read first time, and, on motion of Senator Cutter, ordered on file without reference to committee.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 170?"

Amend by inserting in line ten, page two, Section 2 of printed bill, after the figures "\$25," the words and figures "and not less than fifteen (\$15)."

The roll was called, and Assembly amendment to Senate Bill No. 170 concurred in by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Davis, Hoey, Laird, Lardner, Leavitt, Lukens, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, Welch, and Wolfe—24.

NOES—None.

Senate Bill No. 170 ordered to enrollment.

Assembly Bill No. 873 read first time, and ordered on file without reference to committee.

Senate Bills Nos. 640 and 614 ordered to enrollment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Laird:

Resolved, That the Senate proceed to make up another Senate Special File to follow the one now uncompleted, and that each Senator, in alphabetical order, place one bill in the space provided for him, the same to be printed in Senate General File on Monday, March 11, 1901.

Resolution read and adopted.

ADJOURNMENT.

At the hour of twelve o'clock and thirty-five minutes P. M., on motion of Senator Devlin, the President declared the Senate adjourned until Monday, March 11, 1901, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, March 11, 1901. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Saturday, March 9, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Wednesday, March 6, 1901, having been previously read and corrected, was approved.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Assembly amendment to Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees, and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property—having arrived, the same was taken up.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 512?"

Amend by striking out Section 5, page two of printed bill, and inserting the following:
"Sec. 5. This Act shall take effect and be in force from and after the first day of January, nineteen hundred and two."

The roll was called, and Assembly amendment to Senate Bill No. 512 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Rowell, Shortridge, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Senate Bill No. 512 ordered to enrollment.

FURTHER CONSIDERATION OF ASSEMBLY AMENDMENT TO SENATE BILL.

On motion of Senator Welch, consideration of Assembly amendment to Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and cities and counties,

and providing for a clerk and stenographers for county superintendents for cities and counties, and for counties of the first class was at this time taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 164?"

Amend by inserting after the word "city," in line four of Section 2 of the printed bill, the words "having a population of more than thirty-five thousand inhabitants."

The roll was called, and Assembly amendment to Senate Bill No. 164 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Nelson, Nutt, Shortridge, Sims, Smith of Los Angeles, Taylor, and Welch—23.

NOES—None.

Senate Bill No. 164 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 369—An Act to provide for the location, construction, and maintenance of a State highway commencing at or near the City of San Jacinto in Riverside County, and running thence to connection with the highway system of San Diego County by way of the San Jacinto, Calhuilla, and Temecula valleys, and making an appropriation therefor.

Senate Bill No. 615—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the distribution of its proceeds," approved March 23, 1893, and amended by an Act approved March 9, 1895, and further amended by an Act approved March 9, 1897.

NELSON, Chairman.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 6, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the sum of \$200 is hereby appropriated from the Contingent Fund of the Senate for the purpose of branding all of the furniture belonging to the Senate Chamber, and for the use of the different committees; also for the purchasing of boxes, packing, marking, and shipping all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of the State is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the above amount and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—24.

NOES—None.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 684—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder

delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property, or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee, or pledger of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment, in said action, upon the said undertaking.

Also: Assembly Bill No. 685—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association, claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association, is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court, or admitted.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DAVIS, Chairman.

Assembly Bills Nos. 684 and 685 ordered on file for second reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 499—An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II thereof, relative to contesting elections, said section to be numbered 1128.

Also: Assembly Bill No. 579—An Act to amend Section 1192 of the Political Code, relating to elections.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bill No. 499 and Assembly Bill No. 579 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 61—An Act to add a new section to the Political Code, to be known as Section 1890.

Also: Assembly Bill No. 766—An Act to amend Section 1665, and to repeal Section 1666, of the Political Code of the State of California, relating to the course of study for the public schools of this State.

Also: Assembly Bill No. 706—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LARDNER, Chairman.

Assembly Bills Nos. 61, 766, and 706 ordered on file for second reading.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being consideration of Senate Constitutional Amendments Nos. 11, 15, and 16, having arrived, on motion of Senator Davis the same was postponed until Tuesday, March 12, 1901, immediately following regular order of reports of standing committees, and was therefore made special order for that date and hour.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Leavitt, Assembly Bill No. 850 was recalled from the Committee on Printing and ordered on file.

SUSPENSION OF RULES.

Senator Nutt asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bills Nos. 656 and 657.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Nutt:

Resolved, That Senate Bills Nos. 656 and 657 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muenster, Nelson, Nutt, Rowell, Selvage, Sims, Taylor, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 656 passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 657—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots," etc., into said institution.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 657 passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Rowell, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Oneal:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day

of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Oneal be and he is hereby permitted to introduce a bill, to be numbered 658.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—28.

NOES—None

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Oneal: Senate Bill No. 658—An Act to authorize and empower the Trustees of the State Normal School at San José to reconvey to the City of San José a parcel of land situate in said city, and belonging to the State of California, to the said City of San José, for the purpose of erecting and maintaining a free public library upon said parcel of land.

Bill read first time, and referred to Committee on Education.

SUSPENSION OF RULES.

Senator Curtin moved that Rule 31 be temporarily suspended, as provided for by Rule 56, for the purpose of reconsidering the vote whereby Senate Bill No. 656 was this day passed.

The question being on the motion to temporarily suspend Rule 31.

The roll was called, and the rule suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Rowell, Selvage, Shertridge, Smith of Los Angeles, and Tyrrell of Nevada—24.

NOES—None.

MOTION TO RECONSIDER.

Rule 31 having been temporarily suspended, as provided for by Rule 56, Senator Curtin moved that the vote whereby Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts—was this day passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and motion carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Nelson, Nutt, Plunkett, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—24.

NOES—None.

Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts.

The vote whereby the bill was this day passed having been reconsidered.

Senator Nutt moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

By inserting in Section 2, line two, after the word "district," the words "representing a majority in value of said property."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property—with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

CONSIDERATION OF SPECIAL SENATE FILE.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 609—An Act to define express companies and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Passed on file.

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations, repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act.

Passed on file.

Assembly Bill No. 685—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association, claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association, is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 684—An Act to provide for giving, conditioning, and executing an undertaking with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incur, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee, or pledger, of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the

sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 615—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the distribution of its proceeds," approved March 23, 1893, and amended by an Act approved March 9, 1895, and further amended by an Act approved March 9, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 615 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Selvage, Shortridge, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senators Hoey, Nutt, and Plunkett—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463—An Act to amend Section 3819 of the Political Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 463 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 355—An Act providing for the submission and enactment of ordinances by the direct vote of the qualified voters of counties, cities, and towns.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Nutt moved a call of the Senate.

Motion carried.

Time, twelve o'clock and eight minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and ten minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Nutt.

Pending announcement of the vote, Senator Nutt moved a call of the Senate.

POINT OF ORDER.

Senator Wolfe raised the point of order that the motion for a call of the Senate was not in order, as no business had intervened since the call of the Senate had been ordered and dispensed with.

The President pro tem. declared the point of order well taken.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 355 was passed by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, and Taylor—22

NOES—Senators Burnett, Byrnes, Devlin, Hoey, Laird, Nelson, Oneal, Plunkett, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—12.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Shortridge gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 355 was this day passed.

Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Read third time.

SPECIAL ORDER SET.

On motion of Senator Davis, further consideration of Senate Bill No. 394 was made special order for this day at three o'clock and thirty minutes P. M.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Plunkett, Shortridge, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 869—An Act to amend Section 490 of the Civil Code, relating to railroad fares and tickets.

Also: Assembly Bill No. 599—An Act to amend Section 358 of the Civil Code, relating to organization and continuance of business of corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SIMPSON, Chairman.

Senator Bettman asked and was granted unanimous consent to take up Assembly Bills Nos. 869 and 599 for immediate consideration.

Assembly Bill No. 869—An Act to amend Section 490 of the Civil Code, relating to railroad fares and tickets.

During second reading of bill, the following amendments were offered:
By Senator Cutter:

On page one, Section 1, line one, insert before the word "section," the word and figure "Section 1."

Amendment adopted.

By Senator Taylor:

Add at the end of printed bill the following: "*provided, always*, that no existing right or cause of action shall be affected or impaired by this section."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Taylor, Belshaw, and Caldwell.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Belshaw, Caldwell, Currier, Curtin, Davis, Luchsinger, Rowell, Selvage, Sims, and Taylor—10.

NOES—Senators Bettman, Burnett, Byrnes, Corlett, Cutter, Devlin, Goad, Greenwell, Hoey, Leavitt, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Shortridge, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—21.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 599—An Act to amend Section 358 of the Civil Code, relating to organization and continuance of business of corporations.

Bill read second time, and ordered on file for third reading.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 793—An Act to amend the Political Code by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 109—An Act to amend Sections 1184, 1187, and 1188 of the Political Code of the State of California, relating to political conventions, nominations, and political committees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bills Nos. 793 and 109 ordered on file for second reading.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 227—An Act amending Section 1109 of the Penal Code of the State of California, relating to evidence on a trial for selling, furnishing, etc., lottery tickets.

Also: Assembly Bill No. 386—An Act to amend Section 296 of the Civil Code, relating to the filing of articles of incorporation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FLINT, Acting Chairman.

Assembly Bills Nos. 227 and 386 ordered on file for second reading.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 355—An Act to appropriate the sum of \$1,856 78 to pay the claim of Howard M. Sitton, on bond of the State of California issued under the Act of the Legislature of the State of California, approved April 25, 1857, authorizing the Treasurer of the State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of the State—have had the same under consideration, and respectfully report the same back, and recommend that substitute do pass.

Also: Assembly Bill No. 875—An Act making an appropriation for the support of the government of the State of California for the fifty-third and fifty-fourth fiscal years—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 235—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

S. C. SMITH, Chairman.

Assembly Bills Nos. 875 and 235, and Senate Bill No. 353 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 456—An Act to add a new section to the Political Code of the State of California, to be known as Section 4045, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities, and towns, and to impose a license tax, at a rate to be fixed annually by them, upon certain named persons, occupations, and business have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

TAYLOR, Chairman.

Assembly Bill No. 456 ordered on file for second reading.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889—report that we have met a like committee of the Assembly, consisting of Assemblymen Guilfoyle, Collins, and Johnson, and we report that the conference committee agreed upon and recommend that the Senate concur in the Assembly amendments.

SHORTBRIDGE,

Chairman of Committee of Conference of Senate.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luetsinger, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—30.

NOES—None.

SECOND READING OF ASSEMBLY BILLS.

Senator Selvage asked and was granted unanimous consent to take up Assembly Bill No. 645 for immediate consideration.

Assembly Bill No. 645—An Act to amend an Act entitled "An Act

creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended March 26, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation.

During second reading of bill, the following amendment was offered by Senator Selvaqe:

On page two, Section 1, line twenty-eight, insert the following: "and provided suits on behalf of such corporation to recover unpaid subscriptions from delinquent stockholders are not now pending in the Supreme Court of this State."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senator Taylor asked and was granted unanimous consent to take up Assembly Bill No. 456 for immediate consideration.

Assembly Bill No. 456—An Act to amend Section 4045 of the Political Code of the State of California, relating to the powers of Boards of Supervisors in their respective counties to impose a license tax, at a rate to be fixed annually by them, upon certain named persons, occupations, and business.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the figures "4045," in title, line two, first page, printed bill, and inserting in lieu thereof the figures "3366."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words after the word "tax," in the title, down to and including the word "business," in lines five and six, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "four thousand and forty-five," in line three, first page, printed bill, and inserting in lieu thereof the words "three thousand three hundred and sixty-six."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all the words in lines four to and including the word "State," in line twelve, first and second pages, printed bill, and inserting in lieu thereof the following: "3366. Boards of Supervisors of the counties of the State, and the legislative bodies of the incorporated cities and towns therein, shall, in the exercise of their police powers and for the purpose of regulation, as herein provided and not otherwise, have power to license all and every kind of business not prohibited by law and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle, and vend any goods, wares, or merchandise, except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license, tax, or fee whatsoever, whether municipal, county, or State, and the Board of Supervisors or legislative body shall issue to such soldier, sailor, or marine, without cost, a license therefor."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "no license can be collected," in line one, Section 1, second page, printed bill, and all of lines seventeen, eighteen, and nineteen of Section 1, second page of bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 361—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Byrnes, Caldwell, Currier, Curtin, Davis, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Sims, Taylor, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Burnett, Corlett, and Devlin—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 11—Proposing to the people of the State of California that a new section be added to the Constitution, to be known and designated as Section 8½, Article II thereof.

Passed on file.

Assembly Bill No. 814—An Act creating the office of matron of the jail or prison in and for cities and towns having a population of over twenty thousand, wherein official matrons or their duties are not now provided for by law, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 814 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Davis, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—24.

NOES—Senators Corlett, Devlin, Flint, Goad, and Maggard—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 15—Relative to the "Humboldt Indian Claims."

Joint resolution read.

The question being on the adoption of the same.

The roll was called.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Selvage moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that Assembly Joint Resolution No. 15 was refused adoption by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Curtin, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Muentner, Nutt, Rowell, Smith of Kern, Smith of Los Angeles, and Taylor—16.

NOES—Senators Burnett, Byrnes, Corlett, Greenwell, Hoey, Maggard, Oneal, Plunkett, Selvage, Tyrrell of San Francisco, and Wolfe—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Selvage gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Joint Resolution No. 15 was this day refused adoption.

Assembly Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Passed on file.

Assembly Constitutional Amendment No. 24—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 12 of Article XIII of said Constitution so as to abolish poll-taxes in the State of California.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 24 refused adoption by the following vote:

AYES—Senators Burnett, Selvage, and Welch—3.

NOES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—32.

NOTICE OF MOTION TO RECONSIDER.

Senator Devlin gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 24 was this day refused adoption.

Assembly Bill No. 433—An Act to amend Section 1670 of the Political Code of the State of California, relating to high schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 433 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 394—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 394 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Maggard, Nutt, Oneal, Pace, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 67—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Passed on file.

SECOND READING OF BILL.

Senator Corlett asked and was granted unanimous consent to take up Assembly Bill No. 856 for immediate consideration.

Assembly Bill No. 856 An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER RESET.

On motion of Senator Flint, consideration of the Governor's veto to Senate Bill No. 161, heretofore made special order for this hour, was postponed until Wednesday, March 13, 1901, at three o'clock and thirty minutes p. m., and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Senate Bill No. 601, having arrived, the same was taken up.

WITHDRAWAL AND SUBSTITUTION OF BILL ON FILE.

Senator Devlin asked unanimous consent to withdraw Senate Bill No. 601—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees—and substitute Assembly Bill No. 793 therefor on file.

Consent granted.

Senate Bill No. 601 withdrawn from file, and Assembly Bill No. 793 substituted therefor on file.

Assembly Bill No. 793—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend Section 1359, line seven, by inserting after the word "results" the words "time for opening and closing of the polls."

Amendment adopted.

AMENDMENT No. 2.

Amend Section 1361, line twenty-one, by inserting after the word "writing" the words "designated in this chapter as a petition."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the period at the end of line one hundred and seven, page seven, of the printed bill (as amended the third time in Assembly), and inserting in lieu thereof a semicolon and the words: "; *provided, however*, that only such delegates as have been elected from any Senatorial or Assembly district shall make the nomination of Senator or Assemblyman from such district, respectively."

Amendment adopted.

AMENDMENT No. 4.

Amend Section 1366, line one, by inserting after the word "voters" the words "and the privileges of electors to attend the polls."

Amendment adopted.

AMENDMENT No. 5.

Amend Section 1366, line six, by inserting a comma after the word "registration."

Amendment adopted.

AMENDMENT No. 6.

Amend Section 1366, line eighteen, by adding after the word "with" the words "the original affidavits of registration since the last election and."

Amendment adopted.

AMENDMENT No. 7.

Amend Section 1366, line twenty-eight, by adding the following: "It is the duty of the County Clerk to furnish, at least forty-eight hours prior to the day on which any primary election is held under the provisions of this chapter, to the city or town clerk of the city or town in which a primary is to be held, with all the original affidavits of registration, indexes, and supplements thereto for use by the officers of election at all the precincts at said primary election. City and town clerks are required to return to the County Clerk within twenty-four hours after the closing of the polls all original affidavits of registration by them received from the County Clerk."

Amendment adopted.

AMENDMENT No. 8.

Amend in line two, nineteenth page, printed bill, by inserting a comma after the word "before."

Amendment adopted.

AMENDMENT No. 9.

Amend in line three, nineteenth page, printed bill, by inserting after the word "upon" a comma.

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the words "as such deceased delegate," in line five, nineteenth page, printed bill, and inserting in lieu thereof the following: "as such delegate, or if there is no other delegate remaining from said territory, then the other delegates thereto who were voted for in the same Assembly district."

Amendment adopted.

Bill partially read second time, ordered to print and on file for further second reading and amendment.

SPECIAL ORDER SET.

On motion of Senator Devlin, further consideration of second reading of Assembly Bill No. 793 was made special order for Tuesday, March 12, 1901, at three o'clock and thirty minutes P. M.

SECOND READING OF BILLS.

Senator Devlin asked and was granted unanimous consent to take up Assembly Bill No. 109 and Senate Bill No. 499 for immediate consideration.

Assembly Bill No. 109—An Act to amend Section 1186 of the Political Code, relating to conventions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 499—An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II thereof, relative to contesting elections, said section to be numbered 1128.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Devlin, further consideration of Assembly Bill No. 109 and Senate Bill No. 499 was made special order for Tuesday, March 12, 1901, to immediately follow consideration of Assembly Bill No. 793, at three o'clock and thirty minutes P. M.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Los Angeles:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Smith of Los Angeles be and he is hereby permitted to introduce a bill, to be numbered 659.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Sims, Smith of Los Angeles, Taylor, Welch, and Wolfe—28.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Smith of Los Angeles: Senate Bill No. 659—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Bill read first time, and ordered on file.

At three o'clock and fifty minutes P. M., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California—having arrived, Senator Davis asked and was granted unanimous consent to have said bill retain its place on file and to have Senate Bill No. 393 immediately considered.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Davis moved a call of the Senate.

Motion carried.

Time, four o'clock and ten minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Shortridge, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and twenty minutes P. M., Senator Currier was brought to the bar of the Senate, and, on motion of Senator Smith of Los Angeles, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and twenty-one minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Davis.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 393 was passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Currier, Curtin, Davis, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Rowell, Selvage, Sims, Smith of Los Angeles, and Taylor—21.

NOES—Senators Burnett, Byrnes, Corlett, Cutter, Hoey, Leavitt, Maggard, Oneal, Pace, Shortridge, Tyrrell of San Francisco, and Wolfe—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

On motion of Senator Nutt, Senate Bill No. 656 was recalled from engrossment for the purpose of amendment.

Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Bill having been recalled from engrossment for purpose of amendment.

Senator Nutt moved to refer to Senator Hoey, as a special committee of one, to amend as follows:

Amend by striking out of Section 2, lines fifteen and sixteen, the word "taxes," and inserting the word "assessments."

Also: Amend Section 4 by inserting after the word "district," in line twenty-five, the words "and may determine the amount of any assessment or assessments theretofore paid on the various parcels and lots of real estate therein."

Also: Amend Section 6 by inserting after the word "days," in line two, the words "after the canvass of said vote."

Also: Amend Section 6, line seven, by striking out the semicolon after the word "State," and inserting a comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property—with instructions to amend, respectfully reports the same back, amended as per instructions.

HOEY, Committee.

Report of special committee of one and amendment adopted.
Bill ordered to print and reëngrossment.

SUSPENSION OF RULES.

Senator Cutter asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bill No. 606.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Assembly Bill No. 606 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Rowell, Selvage, Shortridge, Taylor, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 606—An Act making an appropriation for the payment of salaries of additional clerks in the office of the Secretary of the Board of Examiners for the balance of the fifty-second fiscal year.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Lardner, Luchsinger, Maggard, Oneal, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At four o'clock and twenty-five minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 658—An Act to authorize and empower the Trustees of the State Normal School at San

José to reconvey to the City of San José a parcel of land situate in said city and belonging to the State of California, to the said City of San José, for the purpose of erecting and maintaining a free public library upon said parcel of land—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LARDNER, Chairman.

SUSPENSION OF RULES.

Senator Oneal asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bill No. 658.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Oneal:

Resolved, That Senate Bill No. 658 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 658—An Act to authorize and empower the Trustees of the State Normal School at San José to reconvey to the City of San José a parcel of land situate in said city and belonging to the State of California, to the said City of San José, for the purpose of erecting and maintaining a free public library upon said parcel of land.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Oneal, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILL.

Senator Belshaw asked and was granted unanimous consent to take up Assembly Bill No. 360 for immediate consideration—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 288, relating to crimes against children.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page one, Section 1, line eight, strike out the word "sixteen," and insert in lieu thereof the word "fourteen."

Amendment adopted.

AMENDMENT No. 2.

On page one, Section 1, lines eleven and twelve, strike out the words "nor more than ten years," and insert in lieu thereof the word "year."

Amendment adopted.

Bill read second time, ordered to print and third reading.

INTRODUCTION OF CONCURRENT RESOLUTIONS.

The following concurrent resolutions were introduced, and referred as indicated:

By Senator Selvage: Senate Concurrent Resolution No. 22-- Relative to the compilation, printing, and distribution of the laws governing private corporations, revenue, and elections.

Referred to Committee on Revenue and Taxation.

Also: Senate Concurrent Resolution No. 23--Relative to the completion of the "Index to the Laws," from 1893 up to and including laws of the present session of the Legislature; also, relative to the compilation of all laws repealed or invalidated, indicating those laws now in force, and directing a report to be made to the next session of the Legislature.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following resolution:

Resolved, That no bill be placed upon its final passage in the Senate after two o'clock P. M. on the day of final adjournment.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BETTMAN, Chairman.

Resolution and report read and adopted.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 402--An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon sheep--have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LUKENS, Chairman.

Assembly Bill No. 402 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 23--Relative to the duties of the State Board of Education--have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CALDWELL, Chairman.

Assembly Constitutional Amendment No. 23 ordered on file.

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 407--An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and

repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Senate Bill No. 71—An Act to add a new section to the Penal Code of the State of California, to be known as Section 600a, relating to and defining the offense of burning structures and other property not subject to arson, and specifying the penalty therefor.

Senate Bill No. 142—An Act to divide the State into congressional districts and provide for the election of members of the House of Representatives of the United States therein.

Senate Bill No. 584—An Act to amend Section 475 of the Political Code of the State of California, relating to clerks and phonographic reporter in the office of the Attorney-General, and fixing the salary thereof.

Senate Bill No. 654—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Pedro, Los Angeles & Salt Lake Railroad Company, for the purposes of a right of way for a steam railroad thereon.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of March, 1901, at two o'clock and forty minutes P. M.

NELSON, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 11, 1901. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 102—"An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor"; and Committee Substitute for Senate Bill No. 138, entitled "An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections."

HENRY T. GAGE,
Governor of the State of California.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Cutter, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 587 (Committee Substitute for Assembly Bill No. 328)—An Act to amend Sections 1492, 1494, and 1495 of the Political Code of the State of California, relating to State normal schools.

Also: Assembly Bill No. 761—An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars, or boats of railroad and steamship companies.

Also: Assembly Bill No. 40—An Act to remove clouds upon the title to certain lands in the State of California.

Also: Assembly Bill No. 325—An Act regulating the hours of labor in sawmills, shingle-mills, shakemills, and logging-camps.

Also: Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Also: Concurred in Senate amendments to Assembly Bill No. 764—An Act to revise the Penal Code of the State of California, by amending certain sections, repealing others, and adding certain new sections.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 587 read first time, and referred to Committee on Education.

Assembly Bill No. 761 read first time, and referred to Committee on Corporations.

Assembly Bill No. 40 read first time, and referred to Committee on Revenue and Taxation.

Assembly Bill No. 325 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 304 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Also: Passed Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society.

Also: Adopted Assembly Concurrent Resolution No. 10—Relative to donating money towards a monument to Hon. Stephen M. White.

Also: Concurred in Senate amendments to Assembly Bill No. 41—An Act to provide for a segregated hospital building, and for further equipping of the Deaf, Dumb, and Blind Asylum at Berkeley.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 447 referred to Committee on Apportionment, and, on motion of Senator Cutter, the committee was directed to report the same back Tuesday, March 12, 1901, during the regular order of business.

Committee Substitute for Senate Bill No. 50 ordered to enrollment.

Assembly Concurrent Resolution No. 10 referred to Committee on Finance.

SPECIAL ORDER SET.

On motion of Senator Smith of Kern, consideration of Assembly Bill No. 875—An Act making an appropriation for the support of the government of the State of California for the fifty-third and fifty-fourth fiscal years—was made special order for this day at eight o'clock p. m.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Davis:

Resolved, That press mailing clerks J. M. Williamson, J. F. Gallagher, and Miss Ella Maloney, and document clerk J. McHugh, be and they are hereby employed after the final adjournment of this session of the Legislature for the purpose of mailing throughout the State, as ordered by Senate resolution adopted, all legislative matter that has not already been sent, and the Controller is hereby authorized to draw his warrant on the State Treasurer in favor of each of the above-named persons for the amount of twenty-eight dollars.

Resolution read, and referred to Committee on Contingent Expenses.

RECESS.

At the hour of four o'clock and forty minutes p. m., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock p. m. of this day.

RECONVENED.

At eight o'clock p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—32.

Quorum present.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of the Governor's vetoes to Senate Bill No. 181—An Act to

provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property; also: Senate Bill No. 67—An Act to amend Section 343 of the Penal Code of the State of California, relating to and defining the offense of failing, refusing, or neglecting to produce for inspection the register of a pawnbroker and others, and specifying the penalty therefor; also: Senate Bill No. 199—An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands; also: Senate Bill No. 370—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897—having arrived, the same was taken up.

The question being, "Shall Senate Bill No. 181 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—29.

The question being, "Shall Senate Bill No. 67 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—28.

The question being, "Shall Senate Bill No. 199 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—30.

The question being, "Shall Senate Bill No. 370 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—27.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 115—An Act to provide for the establishment and maintenance of public libraries within municipalities.

Senate Concurrent Resolution No. 20—Relative to consent of the Legislature to the absence of the Governor of the State, Hon. Henry T. Gage, from the State for periods not exceeding in the aggregate six months.

Senate Concurrent Resolution No. 21—Relative to consent of the Legislature of absence from the State of Lieutenant-Governor J. H. Neff for a period not exceeding six months.

Committee Substitute for Senate Bill No. 56—An Act to amend Section 530 of an Act to establish a Political Code, relating to the office of Superintendent of State Printing, and providing for the appointment of such officer by the Governor.

Senate Concurrent Resolution No. 14—Relative to approving amendments to the charter of the City of San José a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 5th day of February, 1901.

Senate Bill No. 398—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of March, 1901, at four o'clock p. m.

Also: Have examined and found the following bills correctly engrossed:

Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Senate Bill No. 619—An Act to provide for restoration to capacity of persons adjudged to be insane who have no guardians, and who are not confined at State hospitals for the insane.

Also: Have examined and found the following bill correctly reengrossed:

Senate Bill No. 581—An Act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of Certified Public Accountant; and to provide the grade of penalty for violations of the provisions hereof.

NELSON, Chairman

Senate Bills Nos. 650 and 619 ordered on file for third reading.

Senate Bill No. 581 ordered on file for passage.

NOTICES OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Smith of Kern, the notice of motion given by Senator Simpson on a previous day to reconsider the vote whereby Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal—was on a previous day refused adoption, was postponed until Tuesday, March 12, 1901.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special orders heretofore set having arrived, the same were taken up.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 650 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nutt, Oneal, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 875—An Act making an appropriation for the support of the government of the State of California for the fifty-third and fifty-fourth fiscal years.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of line twenty the word "fifteen," and inserting in lieu thereof the word "nineteen."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of lines thirty-four and thirty-five the words "seven thousand two," and inserting "nine thousand six."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line eighty-three the word "three," and inserting "eleven."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of lines one hundred and one and one hundred and two the words "sixteen thousand," and inserting "fourteen thousand four hundred."

Amendment adopted.

AMENDMENT No. 5.

Insert a new paragraph after line one hundred and eighty-seven, to read as follows: "For special counsel and traveling expenses in suits against the State on claims arising out of the Act entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, five thousand dollars."

Amendment adopted.

AMENDMENT No. 6.

After line two hundred and two insert a new paragraph to read as follows: "For purchase of law books, five hundred dollars."

Amendment adopted.

AMENDMENT No. 7.

After line two hundred and sixty-two insert a new paragraph, to read as follows: "For armory rents and other expenses of the unattached companies of the National Guard, eighteen hundred dollars."

Amendment adopted.

AMENDMENT No. 8.

Strike out all of lines two hundred and sixty-eight, two hundred and sixty-nine, two hundred and seventy, and two hundred and seventy-one, and insert in lieu thereof the following: "For furnishing coal and other supplies for the training ship Marion of the Naval Battalion, three thousand dollars." "For furnishing coal and other supplies for and for repairs on the training ship Pinta of the Naval Battalion, two thousand dollars."

Amendment adopted.

AMENDMENT No. 9.

Amend line four hundred and eleven by striking out the word "thirty-nine," and inserting "thirty-eight."

Amendment adopted.

AMENDMENT No. 10.

Amend line four hundred and thirteen by striking out the word "seventy-nine," and inserting "eighty."

Amendment adopted.

AMENDMENT No. 11.

Amend line four hundred and ninety-three by striking out "fifty-six," and inserting "fifty-nine."

Amendment lost.

AMENDMENT No. 12.

Amend line five hundred and one by striking out the word "six," and inserting "four"

Amendment adopted.

AMENDMENT No. 13.

Amend line five hundred and four by striking out the words "forty-seven thousand three hundred," and inserting "fifty-five thousand."

Amendment adopted.

AMENDMENT No. 14.

Amend line five hundred and fifty-three by striking out "sixty," and inserting "fifty-seven"

Also: Amend line five hundred and fifty-three by striking out "twenty," and inserting "not less than twenty-nine."

Amendment adopted.

AMENDMENT No. 15.

Amend line five hundred and sixty-five by striking out "seven," and inserting "ten."

Amendment adopted.

AMENDMENT No. 16.

Amend line five hundred and eighty-eight by striking out "five thousand," and inserting "seven thousand five hundred."

Amendment adopted.

AMENDMENT No. 17.

Amend lines five hundred and ninety and five hundred and ninety-one by striking out "seventeen thousand five hundred," and inserting "fifteen thousand."

Amendment adopted.

AMENDMENT No. 18.

Amend line five hundred and ninety-six by striking out "seven hundred," and inserting "one thousand."

Amendment adopted.

AMENDMENT No. 19.

Amend line six hundred and ten by striking out "one thousand," and inserting "fifteen hundred."

Amendment adopted.

AMENDMENT No. 20.

Amend line six hundred and seventeen by striking out "fifty," and inserting "seven hundred and fifty."

Amendment adopted.

AMENDMENT No. 21.

Amend by striking out all of lines six hundred and fifty-one to seven hundred and thirty-eight, both inclusive, and inserting in lieu thereof the following:

"For aid to District Agricultural Society Number One, five thousand six hundred dollars.

"For aid to District Agricultural Society Number Two, three thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Three, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Four, three thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Five, three thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Six, five thousand six hundred dollars.

"For aid to District Agricultural Society Number Seven, two thousand two hundred and fifty dollars.

"For aid to District Agricultural Society Number Eight, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Nine, two thousand two hundred and fifty dollars.

"For aid to District Agricultural Society Number Ten, one thousand five hundred dollars.

"For aid to District Agricultural Society Number Eleven, two thousand two hundred and fifty dollars.

"For aid to District Agricultural Society Number Twelve, one thousand one hundred dollars.

"For aid to District Agricultural Society Number Thirteen, two thousand two hundred dollars.

"For aid to District Agricultural Society Number Fourteen, two thousand two hundred and fifty dollars.

"For aid to District Agricultural Society Number Fifteen, twenty-five hundred dollars.

"For aid to District Agricultural Society Number Sixteen, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Seventeen, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Eighteen, two thousand two hundred and fifty dollars.

"For aid to District Agricultural Society Number Nineteen, two thousand five hundred dollars.

"For aid to District Agricultural Society Number Twenty, one thousand five hundred dollars.

"For aid to District Agricultural Society Number Twenty one, three thousand dollars.

"For aid to District Agricultural Society Number Twenty-two, two thousand six hundred dollars.

"For aid to District Agricultural Society Number Twenty-three, two thousand five hundred dollars.

"For aid to District Agricultural Society Number Twenty-four, two thousand two hundred and fifty dollars.

"For aid to District Agricultural Society Number Twenty-five, two thousand six hundred dollars.

"For aid to District Agricultural Society Number Twenty-six, one thousand eight hundred and fifty dollars.

"For aid to District Agricultural Society Number Twenty-seven, two thousand two hundred and fifty dollars.

"For aid to District Agricultural Society Number Twenty-eight, three thousand dollars.

"For aid to District Agricultural Society Number Twenty-nine, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Thirty, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Thirty-one, two thousand five hundred dollars.

"For aid to District Agricultural Society Number Thirty-two, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Thirty-three, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Thirty-four, one thousand five hundred dollars.

"For aid to District Agricultural Society Number Thirty-five, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Thirty-six, two thousand six hundred dollars.

"For aid to District Agricultural Society Number Thirty-seven, nothing.

"For aid to District Agricultural Society Number Thirty-eight, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Thirty-nine, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Forty, three thousand six hundred dollars.

"For aid to District Agricultural Society Number Forty-one, one thousand five hundred dollars.

"For aid to District Agricultural Society Number Forty-two, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Forty-three, one thousand five hundred dollars.

"For aid to District Agricultural Society Number Forty-four, one thousand seven hundred and fifty dollars.

"For aid to District Agricultural Society Number Forty-five, one thousand one hundred dollars."

Amendment adopted.

By Senator Oneal:

On page fourteen, Section 1, line four hundred and seventy-one, strike out the word "ninety-four," and insert in lieu thereof the word "ninety-seven."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Oneal, Leavitt, and Smith of Kern.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Leavitt, Muentner, Oneal, Plunkett, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—19.

NOES—Senators Currier, Davis, Goad, Laird, Lardner, Luchsinger, Lukens, Rowell, Selvage, and Smith of Kern—10.

By Senator Cutter:

Amend Section 1 by adding a new paragraph after line three hundred and eighty-four, page eleven, printed bill, reading as follows: "For traveling and incidental expenses of Débris Commissioner, six hundred dollars."

Amendment adopted.

MOTION TO RECONSIDER.

Senator Laird moved that the vote whereby Committee Amendment No. 21 was adopted be now reconsidered.

Motion lost.

Bill read second time, ordered to print and third reading.

SPECIAL ORDERS SET.

On motion of Senator Leavitt, further consideration of Assembly Bill No. 875 was made special order for Tuesday, March 12, 1901, at eight o'clock P. M.

On motion of Senator Nutt, consideration of Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts—was made special order for Tuesday, March 12, 1901, to follow the regular order after reports of standing committees.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bill correctly engrossed:

Senate Bill No. 499—An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II thereof, relative to contesting elections, said section to be numbered 1128.

NELSON, Chairman.

SUSPENSION OF RULES.

Senator Smith of Los Angeles asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bill No. 659.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Los Angeles:

Resolved, That Senate Bill No. 659 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 659—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 659 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD-READING FILE OF SENATE BILLS.

On motion of Senator Belshaw, the Senate proceeded to consider the third-reading file of Senate bills.

WITHDRAWAL OF BILL.

Senator Davis asked unanimous consent to withdraw Senate Bill No. 381—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people.

Consent granted.

Bill withdrawn and ordered stricken from the file.

THIRD-READING FILE OF SENATE BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 282—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools.

Passed on file.

Senate Bill No. 485—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Hoey, Lardner, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Shortridge, Smith of Kern, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Tyrrell of San Francisco asked unanimous consent to withdraw Senate Bill No. 264—An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of food, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examination.

Consent granted.

Bill withdrawn and ordered stricken from the file.

Senate Bill No. 542—An Act making an appropriation to the Board of Directors of the California State Agricultural Society for the purpose of making certain improvements, alterations, and additions upon the grounds of said society.

Passed on file.

Senate Bill No. 583—An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 583 passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Oneal, Rowell, Shortridge, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Corlett asked unanimous consent to withdraw Senate Bill No. 638—An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Consent granted.

Bill withdrawn and ordered stricken from the file.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Oneal, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 658—An Act to authorize and empower the Trustees of the State Normal School at San José to reconvey to the City of San José a parcel of land situate in said city and belonging to the State of California, to the said City of San José, for the purpose of erecting and maintaining a free public library upon said parcel of land.

Also: Assembly Bill No. 517—An Act to amend Sections 3546, 3547, and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands.

Also: Assembly Bill No. 681—An Act to promote the horticultural interests of the State by providing county boards of horticultural commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," approved March 31, 1897.

Also: Assembly Bill No. 662—An Act making an appropriation to pay the claim of the "Berkeley World-Gazette" for publishing the proposed constitutional amendments.

Also: Assembly Bill No. 178—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Also: Assembly Bill No. 270—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to justices of the peace in townships.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bill No. 658 ordered to enrollment.

Assembly Bill No. 517 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 681 read first time, and referred to Committee on Agriculture.

Assembly Bill No. 662 read first time, and referred to Committee on Finance.

Assembly Bill No. 178 read first time, and referred to Committee on Corporations.

Assembly Bill No. 270 read first time, and, on motion of Senator Taylor, ordered on file without reference to committee.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered by Senator Cutter:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of D. N. Knowles, clerk to the Lieutenant-Governor, for the sum of \$120, being compensation at the rate of \$4 per day for services from and including January 14, to February 13, 1901.

Also:

Resolved, That Mrs. Neidlein, acting janitress of the ladies' cloakroom during the session, be and is hereby elected janitress of said cloakroom, to date from and including the seventh day of January, 1901.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering the above resolutions.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

Resolutions read.

The question being on the adoption of the same.

The roll was called, and the resolutions adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

WITHDRAWAL OF BILLS.

The following Senators asked and were granted unanimous consent to withdraw the following bills immediately following their names:

By Senator Belshaw: Senate Bill No. 453—An Act to provide for the location, construction, and maintenance of a State highway, com-

mencing at a point in Contra Costa County at or near the residence of W. H. Buckley, on the Fish Ranch Road, and running thence to the western end of what is known as Kennedy's Tunnel in Alameda County; creating the Alameda-Contra Costa Highway Fund; prescribing the duties of the various officers in connection therewith, and making an appropriation therefor.

By Senator Flint: Senate Bill No. 494—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 26, 1885, by adding a new section thereto, to be numbered Section 114, relating to the winding up the affairs of an insolvent banking corporation.

By Senator Luchsing: Senate Bill No. 472—An Act to provide for the location, construction, and maintenance of a State highway, commencing at the City of Vallejo, Solano County, and running thence to connect with the highway system of Solano County, by way of American Cañon, at Fairfield, the county seat of Solano County, and making an appropriation therefor.

By Senator Nelson: Senate Bill No. 400—An Act to reduce the expense to the State of California of the transportation of convicted felons, insane persons, and persons committed to the various hospitals, asylums, reformatories, and other public institutions of the State of California, and to amend, in that behalf, the Act approved March 15, 1885, entitled "An Act to amend an Act entitled 'An Act to allow compensation to sheriffs for conveying prisoners to State prisons and insane persons to the insane asylum,' approved March 14, 1885, providing for compensation to sheriffs for service rendered since the 14th day of March, 1885."

By Senator Currier: Senate Bill No. 262—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

By Senator Maggard: Senate Bill No. 65—An Act to add a new chapter to Division 7, Part IV, Title II of the Civil Code, to be known and designated as Chapter IV, and to add nineteen new sections, to be known and designated as Sections 452, 452a, 452b, 452c, 452d, 452e, 452f, 452g, 452h, 452i, 452j, 452k, 452l, 452m, 452n, 452o, 452p, 452q, and 452r, relative to "mutual insurance on the assessment plan" (life, health, and accident insurance on the assessment plan).

By Senator Burnett: Senate Bill No. 11—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the City and County of San Francisco," approved March 31, 1891.

By Senator Caldwell: Senate Bill No. 457—An Act to add a new section, numbered 421, to the Penal Code of the State of California, relating to berths in sleeping cars.

By Senator Taylor: Senate Bill No. 211—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to justices of peace in townships.

Also: Senate Bill No. 655—An Act to provide for the establishment and maintenance of public libraries within municipalities.

By Senator Selvage: Senate Bill No. 254—An Act to add a new section to the Political Code of the State of California, to be numbered 3805½, concerning the cancellation of certificates of sale under void assessments for taxes, or when a deed made to the State under a sale of lands to the State for the non-payment of taxes would be void, to cancel the same.

By Senator Hoey: Senate Bill No. 361—An Act to amend Sections 1917, 1918, 1936, 1939, 1962, 1980, 1984, 2009, 2076, 2077, and 2105; to repeal Section 1990; and to add new sections to be known and numbered as Sections 1973a and 2106, all of and to the Political Code of the State of California, relating to the National Guard.

By Senator Taylor: Senate Bill No. 147—An Act providing for the appointment and for fixing the bond and compensation, and for specifying the duties, powers, and tenure of office of matrons for city and town jails and prisons where matrons therefor are not otherwise provided for.

Bills withdrawn and ordered stricken from the file.

CONSIDERATION OF SENATE SPECIAL FILE.

On motion of Senator Davis, the Senate proceeded to consider the Senate Special File.

Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 396 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Luchsinger, Lukens, Muentner, Nelson, Nutt, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, and Taylor—21.

NOES—Senators Burnett, Byrnes, Corlett, Cutter, Hoey, Laird, Maggard, Oneal, Shortridge, Tyrrell of San Francisco, and Wolfe—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON APPORTIONMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—(as amended by the Assembly) have had the same under consideration, and respectfully report the same back, and recommend that the Senate do not concur in the Assembly amendments.

CUTTER, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 761—An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars, or boats of railroad and steamship companies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTER, Acting Chairman.

Assembly Bill No. 761 ordered on file for second reading.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Senator Goad, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 12, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Nef, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Monday, March 11, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Thursday, March 7, 1901, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Belshaw was granted leave of absence for the day, on motion of Senator Caldwell.

PETITION.

The following petition was received by the Secretary, and ordered printed in the Journal:

SAN FRANCISCO, March 11, 1901.

To the Secretary of the Senate, Sacramento, Cal.:

WHEREAS, The bill for the creation of a California Redwood Park has passed the Assembly of the State of California, and is now pending in the Senate; and

WHEREAS, The Board of Supervisors of the City and County of San Francisco has participated in the movement for the preservation of these trees since its inception; now therefore, be it

Resolved, That the Board of Supervisors of the City and County of San Francisco hereby petition the Senate of the State to pass the said California Redwood Park bill.

This resolution was adopted at a meeting held to-day.

JNO. A. RUSSELL, Clerk.

RESOLUTION.

The following resolution was offered by Senator Cutter:

Resolved, That the State Printer be and he is hereby directed to print 2,100 additional copies of "Bulletin 19"; to ship 50 copies of the same to the address of each senator, and 100 copies to the address of the Lieutenant-Governor, the same to be paid for out of the Contingent Fund of the Senate, and the Controller is hereby directed to pay the same.

Resolution read.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—23.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, and Tyrrell of San Francisco—24.

NOES—None.

APPOINTMENT OF COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 8, 1901.

In compliance with Senate Concurrent Resolution No. 5, the following Senators are hereby appointed a committee of arrangements for the reception of the Presidential party at the State Capitol: Senators Selvage, Devlin, Smith of Los Angeles, Davis, Ashe, Leavitt, and Luchsinger.

J. H. NEFF,
President of the Senate.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Constitutional Amendment No. 20—A resolution proposing to the people of the State of California an amendment to the Constitution by adding a new section to Article IV thereof, relating to establishing State highways, and providing for the construction and maintenance thereof.

Also: Amended, and passed as amended, Senate Bill No. 539—An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill.

Also: Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks.

Also: Passed Committee Substitute for Senate Bill No. 333—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Wm. Cronan for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Also: Amended, and passed as amended, Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California.

Also: Passed Senate Bill No. 108—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Also: Amended, and passed as amended, Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent, and regarding the recording of notices of intention to sell certain personal property.

Also: Concurred in Senate amendments to Assembly Bill No. 814—An Act creating the office of matron of the jail or prison in and for cities and towns having a population of over twenty thousand, wherein official matrons, or their duties, are not now provided for by law; defining the duties and powers, and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Also: Assembly Bill No. 433—An Act to amend Section 1670 of the Political Code of the State of California, relating to high schools.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Constitutional Amendment No. 20 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 539?"

Amend in line one of title by striking out the word "for" after the words "to provide."

Also: Amend in lines three and four of title by striking out all after the word "bill," in line three.

Also: Amend in Section 2, line five, by inserting between the first bracket and the figure "2" a dollar sign.

Also: Amend by striking out of Section 2, line three, the words "there shall be paid," and all the remainder of the said section, and inserting the following: "And commencing with the fifty-fifth fiscal year there shall be an appropriation biennially of the sum of two hundred thousand (\$200,000) dollars therefor, which sum shall be carried into the General Appropriation Bill as are the items of appropriation for other State institutions, and be an item thereof."

Also: Amend by striking out Sections 3, 4, and 5 of printed bill.

The roll was called, and Assembly amendments to Senate Bill No. 539 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Smith of Kern, and Smith of Los Angeles—23.

NOES—None.

Senate Bill No. 539 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 277?"

Amend by inserting in line thirteen, after the word "misdemeanor," the following: "*provided*, that nothing in this section shall prohibit the killing of a meadow lark by the owner or tenant of any premises where such bird is found destroying berries, fruit, or crops growing on such premises."

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 277 by the following vote:

AYES—None.

NOES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Davis, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—21.

Whereupon the Secretary was directed to inform the Assembly of the Senate's action.

Committee Substitute for Senate Bill No. 333 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 222?"

Amend by striking out the word "immediately," in Section 3, and inserting in lieu thereof the word and figures "January 1, 1902."

The roll was called, and Assembly amendment to Senate Bill No. 222 concurred in by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Caldwell, Corlett, Flint, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Selvage, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—None.

Senate Bill Nos. 108 and 222 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 508?"

Amend as follows: Add after the semicolon after the word "paid," in line forty-four, page two of the bill, the following: "*provided*, that after the expiration of the said five days' notice hereinbefore provided for, in order for said sale, transfer, or assignment to be effective there must be an immediate delivery of the property sold, transferred, or assigned, and an actual and continuous change of possession of the things sold, transferred, or assigned."

The roll was called, and Assembly amendment to Senate Bill No. 508 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Davis, Flint, Greenwell, Hoey, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—23.
NOES—None.

Senate Bill No. 508 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 426—An Act making an appropriation to pay the claim of William J. Elder for rent of room used by the Commissioners for the Revision and Reform of the Law at the State House Hotel in the City of Sacramento, from the 12th day of January, 1899, to the 19th day of March, 1899—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

S. C. SMITH, Chairman.

Assembly Bill No. 426 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 773—An Act to change and permanently locate the boundary line between the counties of Del Norte and Siskiyou—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

LUKENS, Chairman.

Assembly Bill No. 773 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1901.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 334—An Act to assign certain blocks of State property in the City and County of San Francisco, to be part of the Free Public Market established by the Act approved March 29, 1897—have had the same under consideration, and respectfully report the same back without recommendation.

TAYLOR, Chairman.

Senate Bill No. 334 ordered on file for second reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 758—An Act to amend Section 362 of the Civil Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DAVIS, Chairman.

Assembly Bill No. 758 ordered on file.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being consideration of Senate Constitutional Amendments Nos. 11, 15, and 16, having arrived, on motion of Senator Davis consideration of Senate Constitutional Amendment No. 11 was postponed until Wednesday, March 13, 1901, immediately following regular order of reports of standing committees, and was therefore made special order for that date and hour.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Caldwell asked unanimous consent to withdraw Senate Constitutional Amendment No. 15—Proposed amendment to Article VI of the Constitution, relative to the judiciary, and establishing Courts of Appeal.

Consent granted.

Constitutional amendment withdrawn and ordered stricken from the file.

SENATE CONSTITUTIONAL AMENDMENT PLACED ON SECOND-READING FILE.

Senator Devlin asked and was granted unanimous consent to have Senate Constitutional Amendment No. 16—Proposed amendment to Article V of the Constitution, relative to declaring elections of Governors—placed on second-reading file.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Assembly amendment to Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—having arrived, the same was taken up.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 447?"

Strike out of Section 1 of said bill all of subdivision twenty-seven after figures "27," and insert the following: "All that portion of the county of Santa Clara not included in the twenty-eighth senatorial district shall constitute the twenty-seventh senatorial district."

Also: Strike out of Section 1 of said bill all of subdivision twenty-eight, after figures "28," and insert the following: "All that portion of the county of Santa Clara embraced in the precincts of Agnews, Alviso, Berryessa, Cupertino, Hester, Jefferson, Mountain View number one, Mountain View number two, Mayfield number one, Mayfield number two, Milpitas, Orchard, Palo Alto, Saratoga, University, and the First, Second, and Fourth wards of the city of San José, shall constitute the twenty-eighth senatorial district."

Also: On page nine, line one hundred and ten, insert after the word "avenue" the words "and Milliken street."

Also: On page nine, line one hundred and twenty, after the words "thence along San Bruno avenue," insert the words "and Milliken street."

Also: On page ten, line one hundred and thirty-six, after the word "Clayton" insert the words "and Ashbury street."

Also: On page eleven, line one hundred and seventy, after the word "Geary" insert the words "and Point Lobos avenue."

Also: On page eleven, line one hundred and seventy-nine, after the words "Baker to Geary, Geary" insert the words "and Point Lobos avenue."

Also: On page eleven, line one hundred and eighty-one, after the words "Frederick to Clayton, Clayton" insert the words "and Ashbury streets."

Also: Strike out of page fifteen, printed bill, line three hundred and thirty-two, the word "Hester," and insert the word "University."

Also: On page fifteen, line three hundred and forty-six, strike out the word "Cantura," and insert the word "Cantua."

Also: On page thirteen, line two hundred and seventy-three, strike out all after the word "southerly," to and including the word "line," in line two hundred and seventy-four, and insert in lieu thereof "along said westerly boundary line of the county of Alameda to the intersection of the southerly boundary line of the city of Oakland, thence easterly along said last-mentioned line."

Also: Amend by striking out all of Section 2 and inserting the following:

SEC. 2. The state is hereby divided into eighty assembly districts, respectively numbered and constituted as follows:

1. The counties of Del Norte, Siskiyou, and Trinity shall constitute the first assembly district.

2. All that portion of the county of Humboldt comprising the townships of Orleans, Klamath, Trinidad, Mad River, Union, Eureka, and Bucksport shall constitute the second assembly district.

3. All that portion of the county of Humboldt not embraced in the second district shall constitute the third assembly district.

4. The counties of Shasta, Modoc, and Lassen shall constitute the fourth assembly district.

5. The counties of Tehama, Plumas, and Sierra shall constitute the fifth assembly district.

6. The county of Mendocino shall constitute the sixth assembly district.

7. The county of Butte shall constitute the seventh assembly district.

8. The counties of Yuba and Sutter shall constitute the eighth assembly district.

9. The county of Nevada shall constitute the ninth assembly district.

10. The county of Placer shall constitute the tenth assembly district.

11. The counties of Amador and Calaveras shall constitute the eleventh assembly district.

12. The counties of Glenn, Colusa, and Lake shall constitute the twelfth assembly district.

13. All that portion of the county of Sonoma comprising the townships of Anala, Bodega, Mendocino, Ocean, Petaluma, Redwood, Salt Point, and Vallejo shall constitute the thirteenth assembly district.

14. All that portion of the county of Sonoma not included in the thirteenth district shall constitute the fourteenth assembly district.

15. The county of Napa shall constitute the fifteenth assembly district.

16. The county of Yolo shall constitute the sixteenth assembly district.

17. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying north of the center of K street of said city shall constitute the seventeenth assembly district.

18. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying south of the center of K street of said city shall constitute the eighteenth assembly district.

19. All that portion of the county of Sacramento not included in the seventeenth and eighteenth districts shall constitute the nineteenth assembly district.

20. The county of Solano shall constitute the twentieth assembly district.

21. The county of Marin shall constitute the twenty-first assembly district.

22. The county of Contra Costa shall constitute the twenty-second assembly district.

23. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the twenty-third assembly district.

24. All that portion of the county of San Joaquin not included in the twenty-third district shall constitute the twenty-fourth assembly district.

25. The counties of Stanislaus, Merced, and Madera shall constitute the twenty-fifth assembly district.

26. The counties Tuolumne and Mariposa shall constitute the twenty-sixth assembly district.

27. The counties of Tulare and Inyo shall constitute the twenty-seventh assembly district.

28. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Market street intersects the bay of San Francisco, continuing thence along the center of the following-named streets: Market to Fourth, Fourth to Folsom, Folsom to Third, Third to Bryant, Bryant to the waters of the bay of San Francisco, thence along the shore to Market street, the place of beginning, shall constitute the twenty-eighth assembly district.

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Fourth and Market streets, continuing thence along the center of the following-named streets: Market to Seventh, Seventh to Mission, Mission to Sixth, Sixth to Bryant, Bryant to Third, Third to Folsom, Folsom to Fourth, Fourth to Market, the place of beginning, shall constitute the twenty-ninth assembly district.

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Seventh and Market streets, continuing thence along the center of the following-named streets: Market to Tenth, Tenth to Howard, Howard to Eleventh, Eleventh to Bryant, Bryant to Sixth, Sixth to Mission, Mission to Seventh, along Seventh to Market, the place of beginning, shall constitute the thirtieth assembly district.

31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Bryant street intersects with the bay of San Francisco, continuing thence along the center of the following-named streets: Bryant to Eleventh, Eleventh to Howard, Howard to Twentieth, Twentieth to the waters of the bay of San Francisco, thence along the shore to Bryant, the place of beginning, shall constitute the thirty-first assembly district.

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center of the line of Twentieth street intersects the bay of San Francisco, continuing thence along the center of the following-named streets: Twentieth to Howard, Howard to Army, Army to San Bruno avenue, thence along San Bruno avenue to its intersection with the boundary line dividing the counties of San Francisco and San Mateo, thence along said boundary line to the intersection of the waters of the bay of San Francisco, thence along the shore of said bay to Twentieth street, the place of beginning, shall constitute the thirty-second assembly district.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at a point of intersection of the center of Guerrero and Army streets, continuing thence along the center of the following-named streets: Army to San Bruno avenue, thence along San Bruno avenue to its intersection with the boundary line dividing the counties of San Francisco and San Mateo, thence along said boundary line to the intersection of the waters of the Pacific ocean, thence along the shore of said ocean northerly to Ocean avenue, thence along Ocean avenue to Corbett avenue, thence along Corbett avenue to Fowler avenue, Fowler avenue to Twenty-eighth street, Twenty-eighth to Guerrero, along Guerrero to Army, the point of beginning, shall constitute the thirty-third assembly district.

34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of the center of Guerrero and Army streets, continuing thence along the center of the following-named streets: Army to Church, Church to Thirteenth, Thirteenth to Buena Vista avenue, Buena Vista avenue to Frederick street, Frederick to Clayton, Clayton to Clarendon avenue, thence along Clarendon avenue to Lincoln avenue, thence along Lincoln avenue to Clipper street, Clipper street to a point where the center of Fowler avenue, if extended, would intersect the center of Clipper street, thence along Fowler avenue to Twenty-eighth, Twenty-eighth to Guerrero, Guerrero to Army, the place of beginning, shall constitute the thirty-fourth assembly district.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Howard and Seventeenth streets, continuing thence along the center of the following-named streets: Seventeenth to Church, Church to Army, Army to Howard, Howard to Seventeenth, the place of beginning, shall constitute the thirty-fifth assembly district.

36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Polk streets, continuing thence along the center of the following-named streets: Polk to Grove, Grove to Octavia, Octavia to Market, Market to Thirteenth, Thirteenth to Church, Church to Seventeenth, Seventeenth to Howard, Howard to Tenth, Tenth to the intersection of Market and Polk, the place of beginning, shall constitute the thirty-sixth assembly district.

37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Octavia streets, continuing thence along the center of the following-named streets: Octavia to Fulton, Fulton to Stanyan, Stanyan to Frederick, Frederick to Buena Vista avenue, thence along Buena Vista avenue to Thirteenth, Thirteenth to Market, Market to Octavia, the place of beginning, shall constitute the thirty-seventh assembly district.

38. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Van Ness avenue and Geary street, continuing thence along the center of the following-named streets: Geary to Masonic avenue, Masonic avenue to Fulton, Fulton to Octavia, Octavia to Grove, Grove to Van Ness avenue, Van Ness avenue to Geary, the place of beginning, shall constitute the thirty-eighth assembly district.

39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Lyon street with the waters of the bay of San Francisco, continuing thence along the center of the following-named streets: Lyon to Washington, Washington to Baker, Baker to Geary, Geary to Masonic avenue, Masonic avenue to Fulton, Fulton to Stanyan, Stanyan to Frederick, Frederick to Clayton, Clayton to Clarendon avenue, thence along Clarendon avenue to Lincoln avenue, thence along Lincoln avenue to Clipper, Clipper to a point where the center of Fowler avenue, if extended, would intersect the center of Clipper street, thence along the line of Fowler avenue to Corbett avenue, thence along Corbett avenue to Ocean avenue, thence along Ocean avenue to the waters of the Pacific ocean, thence along the shore of said ocean and the said bay to Lyon street, the place of beginning, together with the islands known as the Farallon islands, shall constitute the thirty-ninth assembly district.

40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Van Ness avenue and Washington street, continuing thence along the center of the following-named streets: Washington to Baker, Baker to Geary, Geary to Van Ness avenue, Van Ness avenue to Washington, the place of beginning, shall constitute the fortieth assembly district.

41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Jones street with the waters of the bay of San Francisco, continuing thence along the center of the following-named streets: Jones to Broadway, Broadway to Van Ness avenue, Van Ness avenue to Washington, Washington to Lyon, Lyon to the waters of said bay, thence along the shore to Jones street, the place of beginning, shall constitute the forty-first assembly district.

42. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Polk streets, continuing thence along the center of the following-named streets: Polk to Grove, Grove to Van Ness avenue, Van Ness avenue to Broadway, Broadway to Hyde, Hyde to Ellis, Ellis to Jones, Jones to Market, Market to Polk, the place of beginning, shall constitute the forty-second assembly district.

43. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Jones streets, continuing thence along the center of the following-named streets: Jones to Ellis, Ellis to Hyde, Hyde to Broadway, Broadway to Mason, Mason to Market, Market to Jones, the place of beginning, shall constitute the forty-third assembly district.

44. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market and Mason streets, continuing thence along the center of the following-named streets: Mason to Broadway, Broadway to the waters of the bay of San Francisco, thence along the shore of said bay to Market street, thence along Market street to Mason, the place of beginning, shall constitute the forty-fourth assembly district.

45. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Jones street with the waters of the bay of San Francisco, continuing thence along the center of the following-named streets: Jones to Broadway, Broadway to the waters of the bay of San Francisco, thence along the shore of said bay to Jones street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situate within the boundaries of the city and county of San Francisco, shall constitute the forty-fifth assembly district.

46. All that portion of the county of Alameda comprising the townships of Murray, Washington, and Eden shall constitute the forty-sixth assembly district.

47. All that portion of the county of Alameda comprising the township of Alameda shall constitute the forty-seventh assembly district.

48. All that portion of the county of Alameda comprising that portion of the city of Oakland bounded as follows: Commencing at a point on the westerly line of Brooklyn township, where the same is intersected by Thirteenth street extended, continuing thence along the center of the following-named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to Twelfth, Twelfth to Adeline, Adeline to the shore line of Oakland creek, and thence extended to the boundary line of said city of Oakland in said creek, thence along said boundary line in said creek to the intersection of said boundary line with the boundary line between the sixth and seventh wards of said city of Oakland, and thence along said last-mentioned boundary line to the place of beginning, shall constitute the forty-eighth assembly district.

49. All that portion of the county of Alameda comprising all that portion of the city of Oakland bounded as follows: Commencing at a point on the southerly boundary line of the city of Oakland in Oakland creek, where said boundary line is intersected by Adeline street extended, and thence along the line of the center of the following-named streets: Adeline to Twelfth, Twelfth to Market, Market to San Pablo avenue, San Pablo avenue to Adeline street, Adeline street to the point of intersection of Adeline street with the northern boundary line of the town of Emeryville, thence by runs and courses westerly and northerly in the direction of and following the line of the boundary of the town of Emeryville to the point of intersection of the said boundary line with the westerly boundary line of the county of Alameda, thence southerly and easterly, following said county boundary line, to the point of beginning, shall constitute the forty-ninth assembly district.

50. All that portion of the county of Alameda comprising all that portion of the city of Oakland bounded as follows: Commencing at a point on the westerly line of Brooklyn township where the same is intersected by Thirteenth street extended, and thence along the center of the following-named streets: Thirteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to San Pablo avenue, San Pablo avenue to Adeline street, Adeline street to a point where the same crosses Temescal creek, thence easterly by meanders to a point where the same is crossed by Shattuck avenue, thence southerly to Forty-fifth street, Forty-fifth to Broadway, thence northerly along Broadway to the boundary line of the city of Oakland, thence southerly and easterly by meanders along said boundary line to the point of intersection with Brooklyn township, thence southerly and westerly by meanders along the westerly boundary line of Brooklyn township to the point of beginning, shall constitute the fiftieth assembly district.

51. All that portion of the county of Alameda comprising the township of Brooklyn shall constitute the fifty-first assembly district.

52. All that portion of Alameda county bounded as follows: Commencing at the point where the southerly line of the town of Berkeley intersects the westerly boundary line of the county of Alameda, thence easterly along said southerly line of the city of Berkeley to the easterly boundary line of the town of Emeryville, thence southerly and along the boundary line between the town of Emeryville and the city of Oakland to the point where Adeline street intersects said boundary line, thence easterly along the line of Temescal creek to Shattuck avenue, thence southerly along the center line of Shattuck avenue to Forty-fifth street, thence easterly along the center line of Forty-fifth street to Broadway, thence along the center line of Broadway to its intersection with the boundary line of the city of Oakland, thence southerly and easterly along said boundary line to the point of intersection with the westerly boundary line of Brooklyn township, thence in a general direction northerly by runs and courses along the boundary line of Brooklyn township to the point where it intersects the boundary line of Alameda county, thence westerly by runs and courses along the said boundary line of Alameda county, and southerly along said westerly boundary line of Alameda county to the point of beginning, shall constitute the fifty-second assembly district.

53. The county of San Mateo shall constitute the fifty-third assembly district.

54. The county of Santa Cruz shall constitute the fifty-fourth assembly district.

55. All that portion of the county of Santa Clara comprised in the precincts of Alma, Almaden, Berryessa, Burnett, East San José, Evergreen, Gilroy number one, Gilroy number two, Guadalupe, Highland, Las Animas, Llagas, Morgan Hill, Mount Hamilton, Pioneer, Rucker, San Felipe, Solis, Union, Uvas, Vineland, Los Gatos number one, Los Gatos number two, Wrights, San Ysidro, and the third ward of the city of San José shall constitute the fifty-fifth assembly district.

56. All that portion of the county of Santa Clara comprised in the precincts of Alameda, Crandallville, Hester, Gardner, Cottage Grove, Franklin, Oak Grove, Robertsville, Willow Glen, Campbell, Moreland, Santa Clara number one, Santa Clara number two, Santa Clara number three, Jefferson, Cupertino, Saratoga, and the fourth ward of San José shall constitute the fifty-sixth assembly district.

57. All that portion of the county of Santa Clara not included in the fifty-fifth and fifty-sixth districts shall constitute the fifty-seventh assembly district.

58. The counties of El Dorado, Alpine, and Mono shall constitute the fifty-eighth assembly district.

59. The counties of Monterey and San Benito shall constitute the fifty-ninth assembly district.

60. All that portion of the county of Fresno comprising the precincts of Black Mountain, Bryant, Cantara, Crescent, Chicago, Central Colofsy, Collis, Firebaugh, Fresno Colony, Fresno number five, Fresno number six, Fresno number seven, Fresno number eight, Fresno number nine, Fresno number ten, Fowler number one, Fowler number two, Gill, Huron, Kingston, Kingsburg, Liberty, Lake, Lewis Creek, Madison, New Hope, Oleander, Panoche, Pleasant Valley, Sycamore, Selma number one, Selma number two, Terry, White's Bridge, Warthan, West Park, Washington Colony, and Wild Flower shall constitute the sixtieth assembly district.

61. All that portion of the county of Fresno not included in the sixtieth district shall constitute the sixty-first assembly district.

62. The county of Kings shall constitute the sixty-second assembly district.

63. The county of San Luis Obispo shall constitute the sixty-third assembly district.

64. The county of Santa Barbara shall constitute the sixty-fourth assembly district.

65. The county of Ventura shall constitute the sixty-fifth assembly district.

66. The county of Kern shall constitute the sixty-sixth assembly district.

67. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: San Vicente, Calabasas, Chatsworth, San Fernando, Lankershim, Burbank, Glendale, Garvanza, La Cañada, Newhall, Acton, La Liebre, Del Sur, Lancaster, Palmdale, Llano, Pasadena numbers one, two, three, four, five, six, seven, and eight shall constitute the sixty-seventh assembly district.

68. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Pomona city numbers one, two, three, four, and five, Claremont, Lordsburg, Spadra, Glendora, Azusa City, Azusa, Covina, Rowland, El Monte, Monrovia, Duarte, Rivera, Los Nietos, Whittier, and East Whittier shall constitute the sixty-eighth assembly district.

69. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers sixty-four *a*, sixty-four *b*, sixty five, sixty-six, sixty-seven, and sixty-eight, Alhambra, San Gabriel, South Pasadena, Sierra Madre, Lamanda, North Pasadena numbers one and two, Fruitland, Downey numbers one and two, Norwalk, Artesia, Clearwater, Cerritos, Long Beach city numbers one and two, and Terminal shall constitute the sixty-ninth assembly district.

70. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Catalina, Santa Monica city numbers one, two, and three, Ballona, Hyde Park, Gardena, Wiseburn, Redondo city, Wilmington, San Pedro numbers one, two, and three, Compton numbers one and two, Florence, Los Angeles city numbers seventy-two *a*, seventy-two *b*, seventy-three *a*, seventy-three *b*, seventy-four, seventy-five, seventy-six and seventy-seven shall constitute the seventieth assembly district.

71. All that portion of the county of Los Angeles included in and comprising the following election precincts and parts of precincts of nineteen hundred, to wit: Los Angeles city numbers thirty-seven, thirty-eight *a*, thirty-eight *b*, thirty-nine, forty, forty-one, forty-five *a*, forty-five *b*, forty-six, all that portion of numbers fifty and fifty-one between Alameda street and the center of Los Angeles river, same being north of Ninth street, fifty-six, fifty-five, and forty-four shall constitute the seventy-first assembly district.

72. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers forty-four *a*, forty-four *b*, forty-three, forty-two, thirty one, thirty-two, thirty-six, thirty-five *a*, thirty-five *b*, seventy, and seventy-one shall constitute the seventy-second assembly district.

73. All that portion of the county of Los Angeles included in and comprising the following election precincts and parts of election precincts of nineteen hundred, to wit: Los Angeles city numbers forty-seven, forty-eight *a*, forty-eight *b*, forty-nine *a*, forty-nine *b*, all that part of fifty and fifty-one between Alameda street and Central avenue, Third and Ninth streets, fifty-two, fifty-three, twenty-eight, twenty-nine, thirty, thirty-three, thirty-four *a*, thirty-four *b*, shall constitute the seventy-third assembly district.

74. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers one, two, three *a*, three *b*, four, five, six, fifty-seven *a*, fifty-seven *b*, fifty-eight *a*, fifty-eight *b*, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, seven, eight, Caluenga, Monte Vista, National Military Home numbers one, two, three, four, and five shall constitute the seventy-fourth assembly district.

75. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred, to wit: Los Angeles city numbers nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and sixty-nine shall constitute the seventy-fifth assembly district.

76. The county of San Bernardino shall constitute the seventy-sixth assembly district.

77. The county of Orange shall constitute the seventy-seventh assembly district.

78. The county of Riverside shall constitute the seventy-eighth assembly district.

79. All that portion of the county of San Diego included within the corporate limits of the city of San Diego shall constitute the seventy-ninth assembly district.

80. All that portion of the county of San Diego not included in the seventy-ninth district shall constitute the eightieth assembly district.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 447 by the following vote:

AYES—Senator Laird—1.

NOES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Cutter, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oncal, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—24.

Whereupon the Secretary was directed to inform the Assembly of the Senate's action.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Lukens, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1901

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 8—Relative to adjournment.

Also: Assembly Bill No. 694—An Act to provide for the location, construction, and maintenance of a State highway, connecting the highway system of Humboldt County with the highway system of Shasta County, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Also: Assembly Bill No. 546—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 680—An Act to establish the California State Poultry Experimental Farm, and appropriating money therefor.

Also: Assembly Bill No. 804—An Act to amend Section 382 of the Penal Code.

Also: Assembly Bill No. 640—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding thereto a section, to be known and designated as Section 25½, authorizing Boards of Supervisors to prohibit soliciting in unincorporated towns, and to define the limits within which such soliciting is prohibited.

Also: Assembly Bill No. 576—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and concerning compensation of county and township officers.

Also: Assembly Bill No. 561—An Act to amend Section 2651 of the Political Code, relating to a general road fund.

Also: Assembly Bill No. 880—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction thereof.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Assembly Concurrent Resolution No. 8, on motion of Senator Smith of Kern, was referred to Committee on Finance.

Assembly Bill No. 694 read first time, and referred to Committee on Finance.

Assembly Bill No. 546 read first time, and, on motion of Senator Davis, ordered on file without reference to committee.

Assembly Bill No. 680 read first time, and referred to Committee on Finance.

Assembly Bill No. 804 read first time, and referred to Committee on Health.

Assembly Bill No. 640 read first time, and referred to Committee on County Government.

Assembly Bill No. 576 read first time, and, on motion of Senator Lukens, ordered on file without reference to committee.

Assembly Bill No. 561 read first time, and referred to Committee on Highways.

Assembly Bill No. 880 read first time, and, on motion of Senator Currier, ordered on file without reference to committee.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Constitutional Amendment No. 14.—Proposing to the people of the State of California an amendment to Article II of the Constitution of the State by adding a new section thereto, to be known as Section 6, relating to elections.

Senate Bill No. 265—Appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School.

Senate Bill No. 479—An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor.

Senate Bill No. 470—An Act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 12th day of March, 1901, at nine o'clock and forty-five minutes A. M.

NELSON, Chairman.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 609—An Act to define express companies, and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Passed on file.

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act.

Read third time.

Senator Devlin moved to refer to Senator Taylor, as a special committee of one, to amend as follows:

Amend by striking out all of Section 6, page six.

Also: Amend Section 4, page five, by striking out of line ten the words "shares of stock in any," and all of lines eleven and twelve of said section.

Also: Amend Section 7, lines twelve and thirteen, page seven, by striking out all of line twelve and the words "of the shares pledged to secure the loan," in line thirteen.

Also: Amend Section 7, page eight, by striking out all after the word "months," in line thirty-eight, and all of lines thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, and forty-nine.

Also: Amend Section 8, page nine, by striking out all of line twenty-four, after the word "pleasure," and all of lines twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-three of said section.

Also: Amend the bill by striking out all of Section 17, page fourteen.

Also: Amend Section 18 so as to read as follows:

"SEC. 18. This Act shall be construed as taking effect as of the first day of January, nineteen hundred and one, and shall be subject to and governed by Acts passed or approved after said date."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code and all Acts and parts of Acts in conflict with this Act—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and reëngrossment.

Assembly Bill No. 685—An Act to amend the Code of Civil Procedure of the State of California by adding thereto six new sections, to be numbered 710, 711, 712, 713, 713a, and 713b; to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Read third time, and passed on file.

Assembly Bill No. 684—An Act to amend the Code of Civil Procedure of the State of California by adding thereto seven new sections, to be numbered 1060, 1061, 1062, 1062a, 1062b, 1062c, and 1062d, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Passed on file.

Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Assembly Bill No. 189—An Act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Passed on file.

Senate Bill No. 369—An Act to provide for the location, construction, and maintenance of a State highway, commencing at or near the City of San Jacinto, in Riverside County, and running thence to connect with the highway system of San Diego County by way of the San Jacinto, Cahuilla, and Temecula valleys, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 369 passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Goad, Greenwell, Lardner, Leavitt, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Selvage, Shortridge, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 619—An Act to provide for restoration to capacity of persons adjudged to be insane who have no guardians and who are not confined at State hospitals for the insane.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 619 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Shortridge asked for unanimous consent to withdraw Senate Bill No. 628—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park.

Consent granted.

Bill withdrawn and ordered stricken from the file.

Assembly Bill No. 873—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 707—An Act to amend Section 3521 of the Political Code of the State of California, relating to the time when patents to State lands can be issued.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 644—An Act to amend Sections 2641, 2642, 2643, and 2645 of the Political Code of the State of California, and to add new

sections thereto, to be known as and numbered Sections 2646, 2646a, 2646b, 2646c, 2646d, 2646e, and 2646f, relating to abolishing the office of Road Commissioner, and creating the office of Roadmaster.

Passed on file.

Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of Certified Public Accountant; and to provide the grade of penalty for violations of the provisions hereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 581 passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Muentner, Nelson, Nutt, Oneal, Plunkett, Selvage, Smith of Los Angeles, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 346—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 346.

An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen hundred and twenty-seven of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Section 1727. Whenever a Public Administrator in any county or city and county of the first class takes charge of an estate which he is entitled to administer without letters of administration being issued, or under order of the court, he must, with all convenient dispatch, procure letters of administration thereon in like manner and on like proceedings as letters of administration are issued to other persons. His official bond and oath are in lieu of the administrator's bond and oath; but when real estate is ordered to be sold, another bond may be required by the court. He shall not employ counsel at the expense of any estate valued in the petition for letters at less than one thousand dollars, unless the court upon a verified petition setting forth the facts and the reason why it is necessary that he should have the assistance of counsel, and after such notice as the court may direct, shall, by an order entered upon the records of the court, allow him to employ such counsel. The compensation of such counsel, when employed, shall be fixed by the court, and paid out of the assets of such estate.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Committee Substitute for Senate Bill No. 346 read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 253—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount therein appropriated from the General Fund to said Adult Blind Fund.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 548—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 856—An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 856 finally passed by the following vote:

AYES—Senators Caldwell, Corlett, Currier, Cutter, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Oneal, Plunkett, Rowell, Selvage, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 625—An Act to amend the Penal Code of the State of California, relating to the preservation of game, and to create a Game Preservation Fund, and to appropriate the moneys in said fund.

Passed on file.

Assembly Bill No. 402—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 635—An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II of Title VI of Part III of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883, relating to the issuance and refunding of a bonded indebtedness of the county for the construction, maintenance, and repair of roads, and the levying of taxes to pay the interest and redemption thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Concurrent Resolution No. 11—Directing the State Printer to print 30,000 copies of Concurrent Resolution No. 10, relative to welcoming the Epworth League International Convention, to be held in San Francisco, July 18 to 21, 1901.

During second reading of concurrent resolution, the following amendments were offered:

By Senator Leavitt:

Amend by striking out the word "Assembly," in line sixteen, second page, printed Senate Concurrent Resolution No. 11, and inserting in lieu thereof the words "Senate and the Assembly, one half from each fund."

Amendment adopted.

Also:

Amend by striking out the word "fund," in line sixteen, second page, printed Senate Concurrent Resolution No. 11, and inserting in lieu thereof the word "funds."

Amendment adopted.

By Senator Lukens:

Amend by inserting the words "for a sum not to exceed seven hundred and fifty (\$750.00) dollars," in line seventeen, second page, printed Senate Concurrent Resolution No. 11, between the words "warrant" and "in."

Amendment adopted.

Also:

Amend by inserting the words "and the Treasurer of State is hereby directed to pay the same," in line eighteen, second page, printed Senate Concurrent Resolution No. 11, between the words "therefor" and "and."

Amendment adopted.

Resolution ordered to print and third reading.

Senate Bill No. 618—An Act to amend Sections 1593, 1615, and 1713, and to repeal Section 1714 of the Political Code of the State of California, relating to the public schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 647—An Act appropriating \$1,200, the amount heretofore appropriated to Agricultural District No. 43, comprising the County of Lassen, by an Act entitled an Act making appropriations for the support of the government of the State of California for the fifty-first and fifty-second fiscal years, approved March 17, 1899.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 625—An Act to amend Section 2237 of the Political Code, relating to the name and purpose of the Deaf, Dumb, and Blind Asylum.

During second reading of bill, the following amendment was offered by Senator Leavitt:

In enacting clause insert after the word "of " the words "the State of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 227—An Act amending Section 1109 of the Penal Code of the State of California, relating to evidence on a trial for selling, furnishing, etc., lottery tickets.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 399—An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 826—An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou.

During second reading of bill, the following amendment was offered by Senator Selvage:

On page one, Section 1, line one, after the figure "1," insert the words "The boundary line between the counties of Humboldt and Del Norte is hereby established as follows."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 572—An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen while farm overseer at the California Home for the Care and Training of Feeble-Minded Children during the years 1896, 1897, and 1898 in the sum of \$242.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of Section 3, second page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figure "4," in line 1, Section 4, second page, printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

AMENDMENT NO. 3.

Amend by striking out the word "immediately," in line one, Section 4, second page, printed bill, and inserting in lieu thereof the words "on the first day of January, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 546—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 608—An Act to amend Sections 336, 337, and 339 of the Code of Civil Procedure of the State of California, relating to fixing the period of limitation of time of commencement of certain actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Taylor, the consideration of Assembly Bill No. 625—An Act to amend the Penal Code of the State of California, relating to the preservation of game, and to create a Game Preservation Fund, and to appropriate the moneys in said fund—was made special order for this day, immediately preceding consideration of Assembly bills, at two o'clock P. M.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That no bill be considered on Senate Special File which does not appear on the printed Special File, except by unanimous consent.

Resolution read and adopted.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

Quorum present.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being the consideration of Assembly Bill No. 625, having arrived, the same was taken up.

Assembly Bill No. 625—An Act to amend the Penal Code of the State of California, relating to the preservation of game, and to create a Game Preservation Fund, and to appropriate the moneys in said fund.

During second reading of bill, the following amendments were offered by Senator Wolfe:

Amend by striking out of Section 5, page two, the whole of said section.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Wolfe, Leavitt, and Hoey.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bettman, Leavitt, Pace, Tyrrell of San Francisco, and Wolfe—5.

NOES—Senators Ashe, Burnett, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Selvage, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—26.

Also:

Amend by striking out of Section 5, line four, the words "or be in his possession."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Taylor, Smith of Kern, and Wolfe.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bettman, Leavitt, Tyrrell of San Francisco, and Wolfe—4.

NOES—Senators Ashe, Burnett, Caldwell, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—25.

Also:

Amend by striking out of Section 12 the whole of said Section 12.

Amendment lost.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Selvage moved a reconsideration of the vote whereby Assembly Joint Resolution No. 15—Relative to the "Humboldt Indian Claims"—was refused adoption.

The question being on the motion to reconsider.

The roll was called, and motion carried by the following vote:

AYES—Senators Ashe, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nutt, Rowell, Selvage, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—23.

NOES—Senators Hoey, Oneal, Tyrrell of San Francisco, and Wolfe—4.

ASSEMBLY JOINT RESOLUTION No. 15.

Relative to the Humboldt Indian Claims.

WHEREAS, The claims of a large number of people of the State of California on the Federal Government for indemnity for losses incurred by the depredations of the Humboldt Indians, and which are known as the "Humboldt Indian Claims," have been on file in the United States Court of Claims since said losses incurred; and

WHEREAS, The equity and justice of these claims have never been successfully disputed; and

WHEREAS, The particular claim of Mrs. Albee was selected as a test case as regards the validity of all the claims; and

WHEREAS, The final award was wholly in her favor, but which award, nor any other award or money on account of these claims, has ever been paid; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we instruct our Senators and respectfully request our Representatives in Congress to use all honorable means to secure the early payment of these claims; be it further

Resolved, That the Chief Clerk is hereby directed to mail a copy of these resolutions to each of our Senators and Representatives in Congress.

The question being on the adoption of the same.

The roll was called, and Assembly Joint Resolution No. 15 was adopted by the following vote:

AYES—Senators Ashe, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Rowell, Selva, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—24.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 235—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 340—An Act appropriating \$5,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital at Patton, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 342—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 238—An Act making an appropriation for repairs at the Woman's Relief Corps Home (located at Evergreen, Santa Clara County) for ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably in the Civil War.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 568—An Act to amend Section 1197 of the Political Code, relating to elections.

Senate Bill No. 319—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885.

Senate Bill No. 170—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority, of the several counties, cities and counties, cities and towns, of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889.

Senate Bill No. 640—An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies.

Senate Bill No. 614—An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all acts amendatory thereof as are in conflict herewith," approved March 20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to agricultural associations.

Senate Bill No. 512—An Act to provide for the appointment of a Board of Monterey Custom House Trustees, and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Senate Bill No. 164—An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and cities and counties, and providing for a clerk and stenographers for county superintendents for cities and counties, and for counties of the first class.

Senate Bill No. 658—An Act to authorize and empower the Trustees of the State Normal School at San José to reconvey to the City of San José a parcel of land situate in said city and belonging to the State of California, to the said City of San José, for the purpose of erecting and maintaining a free public library upon said parcel of land.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 12th day of March, 1901, at eleven o'clock and forty-five minutes A.M.

Also: Have examined and found the following bill correctly reëngrossed:

Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

NELSON, Chairman.

Senate Bill No. 656 ordered on file for passage.

TIME FOR CONSIDERATION OF ASSEMBLY BILLS CONTINUED.

On motion of Senator Devlin, the time for consideration of special file of Assembly bills, now under consideration, was continued for fifteen minutes.

SUSPENSION OF RULES.

Senator Leavitt asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bill No. 597.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Assembly Bill No. 597 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—30.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 597—An Act to provide for the compilation, printing, binding, and publishing of a Legislative Manual and State Blue Book, or Roster, making a continuous appropriation for the same, and repealing conflicting Acts.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 597 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Sims, and Smith of Los Angeles—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506—An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title by striking out the words "and a turning lathe."

Amendment adopted.

AMENDMENT No. 2.

Amend Section 1 by inserting after the word "dollars," in line three thereof, the following: "(or so much thereof as may be necessary)."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "and a turning lathe," in line five, Section 1.

Amendment adopted.

AMENDMENT No. 4.

Amend Section 3, by striking out the words "and turning lathe," in lines two and three of the printed bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 277—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3½, relating to the levying and equalizing and modifying, and reapportionment and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessments and reassessments, and against the improvements under said Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 111—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice, and the practice of attorneys and counselors-at-law, in the courts of this State.

During second reading of bill, the following amendments were submitted:

By Senator Selvage:

On page four, Section 4, line three, amend to read as follows:

"Sec. 278. The examinations herein provided for shall be based upon the following books and subjects: Pomeroy's Introduction to Municipal Law; Walker's American Law; Blackstone's Commentaries; Kent's Commentaries; Parsons on Contracts; Greenleaf's Evidence (volume one); Sedgwick's Elements of Damages; Gould's Pleadings; Bliss on Code Pleading; Lubc's Equity Pleading; Fetter on Equity; Tiedeman on Real Property; Clark on Corporations; Cooley's Principles of Constitutional Law; Constitution of the United States; Constitution of the State of California; Code of Civil Procedure; Civil Code; Penal Code; Sandar's Justinian, by Hammond."

Amendment adopted.

Also:

On page five, Section 4, line twenty-six, strike out the word "strict," and insert in lieu thereof the words "fair and thorough."

Amendment adopted.

By the committee:

AMENDMENT No. 1.

Amend by striking out the words "who has been a bona fide resident of this State for one year next preceding the day of application or motion for admission, as provided in this chapter," in lines three to six, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "one of whom shall be the dean of the Hastings College of Law, and the other two," in lines four and five, Section 3, third page, printed bill, and inserting in lieu thereof the word "who."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "State," in line eight, Section 3, third page, printed bill, the words "one of whom shall be a resident of the San Francisco District, one."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "the other a resident," in line nine, Section 3, third page, printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "and both of whom," in line ten, Section 3, third page, printed bill, and inserting in lieu thereof the word "who."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words from and after the word "court," in line twelve, third page, printed bill, to and including line sixteen, page four, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the word "those," in line one, Section 8, seventh page, printed bill, and inserting in lieu thereof the word "the."

Amendment adopted.

Bill read second time, ordered to print and third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special orders heretofore set, being consideration of Assembly Bills Nos. 793 and 109 and Senate Bill No. 499, having arrived, the same were taken up.

On motion of Senator Davis, Assembly Bill No. 793 was made special order for this day at eight o'clock P. M.

Assembly Bill No. 109—An Act to amend Sections 1186, 1187, and 1188 of the Political Code of the State of California, relating to political conventions, nominations, and political committees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 109 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Muenter, Nutt, Oneal, Pace, Rowell, Smith of Kern, Tyrrell of Nevada, and Tyrrell of San Francisco—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 499—An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II thereof, relative to contesting elections, said section to be numbered 1128.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 499 passed by the following vote:

AYES—Senators Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Lardner, Leavitt, Luchsinger, Maggard, Muenster, Nutt, Oneal, Pace, Rowell, Shortridge, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Smith of Kern moved that the consideration of his motion of a previous day that the vote whereby Assembly Constitutional Amendment No. 28—A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Article XX by adding thereto two new sections, to be known as Sections 21 and 22, relating to a State commission to have charge, in certain respects, of railroads, transportation companies, common carriers, banks, insurance companies, water, gas, and electric light and power, telephone companies, telegraph companies, and sleeping car companies, and express companies, and of certain services and commodities, howsoever supplied to the public, and regulations concerning the same, and repealing certain present constitutional provisions relative to the same subject—was on a previous day adopted, be reconsidered, be postponed until Wednesday, March 13, 1901, at three o'clock and thirty minutes P. M.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 40—An Act to remove clouds upon the title to certain lands in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ONEAL, Chairman.

Assembly Bill No. 40 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 603—An Act amending Section 1874 of the Political Code, providing for a Board of State Text-Book Commissioners; authorizing them to revise, compile, manufacture, and distribute school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; authorizing the payment of royalties for use of copyrighted matter, and for the performance of other acts necessary to procure a first-class uniform series of school text-books; granting power to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of supplementary books and a list of apparatus for use in the common schools and district school libraries; prescribing books for use in various branches of the common schools; authorizing such commissioners to appoint a secretary, prescribing the duties

of such secretary, and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the adoption or revision of a State series of text-books; providing that the Superintendent of State Printing have supervision over printing such text-books; making an appropriation to be known as the Text-Book Appropriation, and specifying the uses to which it may be put; directing of what funds the School-Book Fund shall consist, and prescribing the use of the moneys in said fund; repealing Section 1519 of the Political Code, relating to the State Board of Education, County Boards of Education, and to text-books to be used in the common schools.

Also: Senate Bill No. 552—An Act to amend the Political Code by amending Section 343 thereof, and adding a new section thereto, to be numbered Section 644.

Also: Passed Assembly Bill No. 408—An Act entitled "An Act to prevent the sale of raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production.

Also: Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Also: Senate Bill No. 12—An Act to validate certain acts and proceedings had under an Act of the Legislature of the State of California, entitled "An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 603?"

Amend by inserting after the word "school," in line thirty-two, page three of the printed bill, the words "and district library."

Also: Amend by striking out on page three all of lines thirty-three, thirty-four, and thirty-five, and inserting the following in lieu thereof: "he is hereby authorized to draw requisitions, without orders from the Board of Trustees or Boards of Education, against the Library Fund of the respective school districts of his county in payment for such books."

Also: Amend by striking out of Section 1, line thirty-two, page three, the word "each," and inserting the word "every."

Also: Amend by striking out of Section 1, line thirty, the word "each," and inserting in lieu thereof the word "every."

The roll was called, and Assembly amendments to Senate Bill No. 603 concurred in by the following vote:

AYES—Senators Ashe, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nutt, Pace, Rowell, Selvaige, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Senate Bill No. 603 ordered to enrollment.

ACTION ON ASSEMBLY AMENDMENTS TO SENATE BILL POSTPONED.

On motion of Senator Davis, further action on Assembly amendments to Senate Bill No. 552 was postponed until Assembly messages are again considered on Wednesday, March 13, 1901.

Assembly Bill No. 408 read first time, and referred to Committee on Highways.

Senate Bills Nos. 310 and 12 ordered to enrollment.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Davis, the notice of motion given by Senator Simpson on a previous day to reconsider the vote whereby Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal—was on a previous day refused adoption, was postponed until Wednesday, March 13, 1901.

SPECIAL ORDER SET.

On motion of Senator Davis, further consideration of second reading of Assembly Bill No. 579—An Act to amend Section 1192 of the Political Code, relating to elections—was made special order for this day at eight o'clock P. M.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Senate Bill No. 656, having arrived, the same was taken up.

Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 656 passed by the following vote:

AYES—Senators Ashe, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Rowell, Selvage, Shortridge, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS.

Assembly Bill No. 685—An Act to amend the Code of Civil Procedure of the State of California by adding thereto six new sections, to be numbered 710, 711, 712, 713, 713a, and 713b; to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted.

Read third time previously on this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 685 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Corlett, Currier, Curtin, Cutter, Davis, Goad, Hoey, Laird, Lardner, Lukens, Maggard, Muentner, Nutt, Rowell, Selvage, Shortridge, Smith of Kern, Tyrrell of Nevada, and Tyrrell of San Francisco—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 684—An Act to provide for giving, conditioning, and executing an undertaking with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set

aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property, or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee, or pledger, of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 684 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Corlett, Currier, Curtin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Rowell, Selvage, Shortridge, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At the hour of four o'clock and twenty minutes P. M., on motion of Senator Shortridge, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bettman, Caldwell, Corlett, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—26.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 304—An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor.

Committee Substitute for Senate Bill No. 50—An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society.

Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés," approved February 6, 1889.

And report that the same have been correctly enrolled; and presented the same to the Governor on this 12th day of March, 1901, at three o'clock and twenty minutes P. M.

NELSON, Chairman.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special orders heretofore set, being consideration of Assembly Bills Nos. 793, 579, and 875, having arrived, the same were taken up.

Assembly Bill No. 793—An Act to amend the Political Code by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of line eleven after the word "vote," all of lines twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and the words "at that election," in line twenty, Section 1367, page fourteen, printed bill, as amended March 11, 1901, and inserting in lieu thereof the following: "the voter thereby declares as a test of his right to vote a bona fide present intention of supporting the nominees of such political party or organization at the next ensuing election, and any voter may be challenged and his right to vote may be withheld unless he make oath or affirmation as to his bona fide present intention to support the nominees of the convention to which delegates are to be so elected for such political party or organization."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "Court," in line fifteen, Section 1358, page two, printed bill, as amended March 11, 1901, the following: "(,) or Justices of the Peace in any city and county."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 579—An Act to amend Section 1192 of the Political Code, relating to elections.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Cutter, the further consideration of Assembly Bills Nos. 793 and 579 was made a special order for Wednesday, March 13, 1901, following the regular order after the reports of standing committees.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 875—An Act making an appropriation for the support of the government of the State of California for the fifty-third and fifty-fourth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 875 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, O Neal, Rowell, Selva, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Wolfe was granted leave of absence for the balance of the day, on motion of Senator Leavitt.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Assembly Bill No. 561—An Act to amend Section 2651 of the Political Code, relating to a general road fund—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Assembly Bill No. 561 ordered on file for second reading.

ON HEALTH.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Health, to whom was referred Assembly Bill No. 804—An Act to amend Section 382 of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

MAGGARD, Chairman.

Assembly Bill No. 804 ordered on file for second reading.

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms of the Senate, for the sum of \$246.49, in payment of the following several bills, and the Treasurer is hereby directed to pay the same:

Pasteur Filter Company, to March 16th.....	\$5 50
Mrs. E. Smith, washing towels	7 25
Sunset Telephone Company, service to March 16th, inclusive.....	3 00
Capital Telephone Company, service to March 16th, inclusive.....	3 00
John Breuner Company, desk, mats, etc.	82 39
A. J. Wilson, hack hire (per McCall).....	5 00
Mr. Murphy, hack hire.....	1 50
Buffalo Brewing Company, ice to March 16th, inclusive.....	44 20
T. McCraney, mail-carrier for session	10 15
Capital Artesian Water Company, 21 days water, to March 16th, inclusive.....	63 00
J. L. Martin, hack hire serving subpoenas, to March 13th	8 50
F. R. Pulford, keys, and fitting locks	13 00

Total \$246 49

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and report and resolution adopted by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Tyrrell of San Francisco—22.

NOES—Senators Belshaw, Davis, and Greenwell—3.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the State Printer be and he is hereby authorized to print for the use of the Senators 2,000 copies of Substitute Senate Bill No. 138, as finally amended. The Con-

troller is hereby authorized to draw his warrant in favor of the State Printer for the sum of \$300, payable from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Recommend the adoption of the following resolution as a substitute:

Resolved, That the State Printer be and he is hereby authorized to print for the use of the Senators 2,000 copies each of Substitute Senate Bill No. 138, Assembly Bill No. 683, and Assembly Bill No. 764, as finally amended. The Controller is hereby directed to draw his warrant in favor of the State Printer for the sum of \$900, payable from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same. The State Printer is further directed to ship, when printed, to the address of each Senator, fifty copies of each of the above bills.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and report and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Devlin, Laird, Leavitt, Oneal, Plunkett, Selvage, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—15.

NOES—Senators Belshaw, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Nelson, Rowell, and Smith of Kern—13.

ON MINING.

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 302—An Act to add a new section to the Penal Code, to be known as Section 625¹/₂, in relation to the plugging of water-producing wells made in territory producing oil—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Assembly Bill No. 302 ordered on file for second reading.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 587—An Act to amend Sections 1492, 1494, and 1495 of the Political Code of the State of California, relating to State normal schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 330—An Act to amend Sections 4, 5, and 8 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State'"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LARDNER, Chairman.

Assembly Bills Nos. 587 and 330 ordered on file for second reading.

ADJOURNMENT.

At ten o'clock P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 13, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Tuesday, March 12, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Friday, March 8, 1901, having been previously read and corrected, was approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bills correctly engrossed:

Senate Bill No. 608—An Act to amend Sections 336, 337, and 339 of the Code of Civil Procedure of the State of California, relating to fixing the period of limitation of time of commencement of certain actions.

Senate Bill No. 635—An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II of Title VI of Part III of said code, and substitute the same in place of said repealed Chapter II in said code, relating to roads and highways," approved February 28, 1883, relating to the issuance and refunding of a bonded indebtedness of the county for the construction, maintenance, and repair of roads, and the levying of taxes to pay the interest and redemption thereof.

Senate Bill No. 399—An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State.

Senate Bill No. 548—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Senate Bill No. 647—An Act appropriating \$1,200, the amount heretofore appropriated to Agricultural District No. 43, comprising the County of Lassen, by an Act entitled "An Act making appropriations for the support of the government of the State of California for the fifty-first and fifty-second fiscal years," approved March 17, 1899.

Senate Bill No. 618—An Act to amend Sections 1593, 1615, and 1713, and to repeal Section 1714 of the Political Code of the State of California, relating to the public schools

NELSON, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 875—An Act making an appropriation for the support of the government of the State of California for the fifty-third and fifty-fourth fiscal years—beg to report the

following comparative table of appropriations, and recommend that the same be printed in the Journal:

	General Appropriation Bill for 51st and 52d Fiscal Years.	General Appropriation Bill for 53d and 54th Fiscal Years.
Legislative.....	\$139,000 00	\$138,500 00
Judicial.....	509,710 00	512,735 00
Executive.....	450,830 50	464,968 00
Military and Naval.....	330,274 00	303,812 00
Hospitals—Insane, Blind and Feeble-Minded.....	1,907,720 00	1,946,500 00
Prisons.....	614,800 00	487,900 00
Reformatories.....	210,800 00	255,200 00
Normal Schools.....	*338,590 00	382,700 00
Commissions and State Board of Equalization.....	227,915 00	215,855 00
Bureaus (Lab. Sta., Mining and Dairy).....	79,950 00	84,550 00
Printing Office.....	25,100 00	28,700 00
Board of Health.....	16,100 00	15,400 00
Department of Highways.....	15,300 00	13,860 00
Board of Horticulture.....	24,600 00	24,600 00
State Veterinarian.....	10,500 00	15,500 00
Miscellaneous ..	26,455 00	25,490 00
State Agricultural Society.....	37,000 00	36,000 00
District Agricultural Societies.....	79,800 00	102,150 00
	\$5,044,444 50	\$5,054,420 00

*No appropriation for San Francisco Normal.

S. C. SMITH, Chairman.

RESOLUTION.

The following resolution was offered by Senator Belshaw:

Resolved, That William Eden, Charles Metcalf, and Charles Tuttle be and they are hereby employed for one week after the final adjournment of this session of the Legislature, their work to be assigned by the Secretary of Senate, and the Controller is hereby authorized to draw his warrant on the State Treasurer in favor of each of the above-named persons for the amount of \$28 each.

Resolution read, and referred to Committee on Contingent Expenses.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being consideration of Senate Constitutional Amendment No. 11, having arrived, on motion of Senator Davis the same was postponed until Thursday, March 14, 1901, immediately following regular order of reports of standing committees, and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Assembly Bills Nos. 793 and 579, having arrived, the same were taken up.

BILL RECALLED FROM ENGROSSMENT AND THIRD READING FOR PURPOSE OF AMENDMENT.

On motion of Senator Cutter, Assembly Bill No. 793 was recalled from print, engrossment, and third reading for the purpose of amendment.

Assembly Bill No. 793—An Act to amend the Political Code by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Bill having been recalled from print, engrossment, and third reading for the purpose of amendment, the following amendment was offered by Senator Cutter:

Strike out the word "Section" before the numbers 1357 to 1375, both inclusive, printed bill.

Amendment adopted.

Bill re-ordered to print, engrossment, and third reading.

Assembly Bill No. 579—An Act to amend Section 1192 of the Political Code, relating to elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 579 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Goad, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 609—An Act to define express companies and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Passed on file.

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act.

Passed on file.

Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Assembly Bill No. 189—An Act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 189 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Rowell, Simpson, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Passed on file.

Assembly Bill No. 873—An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 873 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—Senators Rowell and Smith of Kern—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 707—An Act to amend Section 3521 of the Political Code of the State of California, relating to the time when patents for State lands can be issued.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Oneal moved a call of the Senate.

Motion carried.

Time, eleven o'clock and twenty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—32.

At eleven o'clock and twenty-two minutes A. M., Senator Welch was brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

At eleven o'clock and twenty-seven minutes A. M., Senators Devlin and Muentner were brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

At eleven o'clock and thirty minutes A. M., Senator Smith of Kern moved that further proceedings under call of the Senate be dispensed with.

The question being on the motion to dispense with call of the Senate.

The ayes and noes were demanded by Senators Oneal, Smith of Kern, and Tyrrell of San Francisco.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Goad, Lardner, Luchsinger, Lukens, Nutt, Sims, Smith of Kern, and Welch—9.

NOES—Senators Bettman, Burnett, Byrnes, Cutter, Hoey, Laird, Maggard, Oneal, Pace, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—16.

At eleven o'clock and thirty-three minutes A. M., Senator Corlett was brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

At eleven o'clock and forty-two minutes A. M., Senator Smith of Kern moved that further proceedings under call of the Senate be dispensed with.

The question being on the motion to dispense with call of the Senate. The ayes and noes were demanded by Senators Bettman, Oneal, and Wolfe.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Caldwell, Currier, Goad, Lardner, Luchsinger, Lukens, Nutt, Rowell, Sims, Smith of Kern, and Welch—12.

NOES—Senators Bettman, Burnett, Byrnes, Curtin, Cutter, Hoey, Laird, Leavitt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—18.

At eleven o'clock and forty-five minutes A. M., Senator Ashe was brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty-two minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Caldwell.

Pending announcement of the vote, Senator Oneal moved a call of the Senate.

POINT OF ORDER.

Senator Curtin raised the point of order that the motion for a call of the Senate was not in order, as no business had intervened since the call of the Senate had been ordered and dispensed with.

The President declared the point of order well taken.

The roll of absentees was called.

MOTION.

Senator Bettman moved that further consideration of the bill and announcement of the vote be made special order for this day at three o'clock and thirty minutes P. M.

POINT OF ORDER.

Senator Smith of Kern raised the point of order that nothing can prevent the announcement of the result after the roll has been called.

The President declared the point of order well taken.

Whereupon the President announced that Assembly Bill No. 707 was refused passage by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Cutter, Hoey, Laird, Leavitt, Maggard, Nelson, Plunkett, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—16.

NOES—Senators Ashe, Belshaw, Corlett, Currier, Curtin, Flint, Goad, Lardner, Luchsinger, Lukens, Nutt, Oneal, Pace, Rowell, Selvage, Sims, Smith of Kern, Tyrrell of Nevada, and Welch—19.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 707 was this day refused passage.

Senate Bill No. 644 — An Act to amend Sections 2641, 2642, 2643, and 2645 of the Political Code of the State of California, and to add new sections thereto, to be known as and numbered Sections 2646, 2646a, 2646b,

2646c, 2646d, 2646e, and 2646f, relating to abolishing the office of Road Commissioner, and creating the office of Roadmaster.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 refused passage by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Currier, Curtin, Davis, Laird, Lardner, Lukens, Muentner, Plunkett, and Tyrrell of Nevada—12.

NOES—Senators Burnett, Byrnes, Corlett, Cutter, Flint, Goad, Hoey, Luchsinger, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Tyrrell of San Francisco, Welch, and Wolfe—17.

Senator Belshaw asked and was granted unanimous consent to take up Assembly Bill No. 754 for immediate consideration on Senate Special File.

Assembly Bill No. 754—An Act to add a new section to the Political Code, to be known as Section 2647 of the Political Code, relating to the duties and powers of Boards of Supervisors respecting roads.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 576—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and concerning compensation of county and township officers.

During second reading of bill, the following amendments were offered by Senator Lukens:

On page two, Section 1, line twenty-five, insert the word "the" between the words "of" and "county."

Amendment adopted.

Also:

On page three, Section 1, line fifty-three, insert between the words "Sheriff" and "and" the following: "provided, that for the period prior to twelve o'clock meridian on the first Monday after the first day of January, nineteen hundred and three, the said matron shall be appointed by the Board of Supervisors, and as to said office of jail matron and said appointment this subdivision shall take effect immediately."

Amendment adopted.

Also:

On page three, Section 1, line seventy-seven, strike out the word "clerk" between the words "index" and "whose," and insert in lieu thereof the word "deputy."

Amendment adopted.

Also:

On page three, Section 1, line eighty-two, strike out the word "clerk" between the words "index" and "two," and insert in lieu thereof the word "deputy."

Amendment adopted.

Also:

On page seven, Section 1, line two hundred and eight, strike out the word "clerks," and insert in lieu thereof the word "clerk."

Amendment adopted.

Also:

On page eight, Section 1, line two hundred and fifty-two, insert the word "people" between the words "thousand" and "two."

Also: Same page and section, line two hundred and fifty-four, insert the word "people" between the words "thousand" and "one."

Also: Same page and section, lines two hundred and fifty-six and two hundred and fifty-eight, insert the word "people" after the word "thousand" in each of said lines.

Amendments adopted.

Also:

On page nine, Section 1, insert the word "people" after the word "thousand" in each of the following lines: two hundred and seventy-four, two hundred and seventy-six, two hundred and seventy-seven, at the end of the line, and two hundred and seventy-nine.

Amendment adopted.

Also:

On page nine, Section 1, insert the following after the word "month," line two hundred and ninety-seven:

"17. Each of the official reporters of the Superior Court in counties of this class shall receive as full compensation for taking notes in civil and criminal cases tried in said court a monthly salary of one hundred and fifty (\$150.00) dollars, payable out of the county treasury in the same manner and at the same time as salaries of county officers are paid. For transcription of said notes, when required, he shall receive fifteen (15) cents per folio; *provided*, that when more than one copy is required he shall receive ten cents per folio for each copy. The compensation for transcription in criminal cases shall be paid on the order of the court out of the county treasury. The fees for transcription in civil cases or proceedings shall be paid by the party ordering the same, or, when ordered by the judge, by either party, or by both parties, as the court may direct.

"When the services of the reporter are required in any civil matter, the clerk shall collect for each day of trial five (\$5.00) dollars, one half from each party, and shall pay the same into the county treasury. This provision of this section shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Selvaige:

WHEREAS, There was made an appropriation out of the Contingent Fund of the Senate of the sum of one thousand dollars to be used by the committee of reception of the President of the United States at the City of Sacramento; and

WHEREAS, It is necessary that some person be named by this Senate to receive the warrant from the State Controller; therefore, be it

Resolved, That the Controller of State be and he is hereby directed to deliver said warrant to Robert T. Devlin, one of the members of said committee.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett Selvaige, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—27.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Cutter, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—and appointed Assemblymen Johnson, Duryea, and Rutherford as a committee of conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the above message, the President appointed Senators Belshaw, Lukens, and Smith of Kern as a committee of conference to meet a like committee from the Assembly.

SPECIAL ORDER SET.

On motion of Senator Leavitt, further consideration of Assembly messages was made special order for two o'clock P. M. of this day.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Laird:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. L. Martin for \$100 for postage stamps, the same payable out of the appropriation for contingent expenses of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Highways, to whom was referred Assembly Bill No. 408—An Act entitled "An Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than wire bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts, of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production"—have had the same under consideration, and respectfully report the same back without recommendation, and ask that it be re-referred to Committee on Prisons.

LUCHSINGER, Chairman.

Assembly Bill No. 408 ordered on file for second reading.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 474—An Act to provide for the classification of the term of office of Supervisors in certain counties—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also, Assembly Bill No. 440—An Act to amend Section 25 and Section 52 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1 1897, relating to powers of Supervisors of counties—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

LUKENS, Chairman.

Senate Bill No. 474 and Assembly Bill No. 440 ordered on file for second reading.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 681—An Act to promote the horticultural interests of the State by providing county boards of horticultural commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," approved March 31, 1897—have had the same under consideration, and respectfully report the same back without recommendation.

CURRIER, Chairman.

Assembly Bill No. 681 ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—33.

Quorum present.

CONSIDERATION OF SPECIAL ORDER.

The consideration of special order heretofore set, being consideration of Assembly messages, having arrived, the same was taken up.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER SACRAMENTO, March 12, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 392?"

Amend Section 1, line five, by inserting the word "fifteenth" after the word "February."

The roll was called, and Assembly amendment to Senate Bill No. 392 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Corlett, Cutter, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Welch—27.

NOES—None.

Senate Bill No. 392 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 277—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow larks—and appointed Assemblymen Anderson of Solano, Stewart of San Diego, and Higby as a committee of conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF CONFERENCE.

In accordance with the above message, the President appointed Senators Taylor, Cutter, and Caldwell as such committee of conference on Senate Bill No. 277.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 199—An Act to provide an electric plant for lighting the buildings and grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 200—An Act to provide an ice machine and cold-storage plant for the Mendocino State Hospital, with the necessary connections and fittings, and making an appropriation therefor.

Also: Assembly Bill No. 871—An Act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1319, providing for a contest of a will and procedure therein by the Public Administrator in cases where under the laws of the State of California a tax upon inheritances would be paid if the decedent should be adjudged to have died intestate; also, providing the grounds upon which and the time in which such contest may be made; providing for payment of the expense of such contest, and for the administration of the estate in certain cases arising out of such contest; also, providing for the dismissal of such contest.

Also: Assembly Bill No. 267—An Act appropriating money for the maintenance and improvement of the water system of the Preston School of Industry, including the construction of a settling reservoir.

Also: Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections, and the plumbing and connections, of the Napa State Hospital at Napa.

Also: Assembly Bill No. 717—An Act entitled "An Act to amend the Political Code by adding a new section, requiring the State, and subdivisions of the State, to give preference to goods manufactured in the State when contracting for or purchasing goods or other property."

Also: Assembly Bill No. 697—An Act to provide for the purchase of sewing machines for replacing the sewing machines now worn out in the tailor shop and girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Assembly Bill No. 698—An Act to provide for the purchase and installation of additional bathtubs for the girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Assembly Bill No. 699—An Act to provide for the purchase of library books, periodicals, and magazines for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Assembly Bill No. 522—An Act making an appropriation to provide for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Also: Assembly Bill No. 739—An Act to provide for the purchase of livestock, vehicles, and farm equipments for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and making an appropriation for the same.

Also: Adopted Assembly Constitutional Amendment No. 14—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 15 of Article XX, relating to liens of mechanics, artisans, laborers, materialmen, subcontractors, and contractors.

Also: Passed Assembly Bill No. 853—An Act to permit and enable the people of the State of California to express by ballot their preference of a person for the office of United States Senator at the general election in 1902.

Also: Adopted Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution relative to private claims against the State.

Also: Passed Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Also: Amended, and passed as amended, Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

Also: Concurred in Senate amendments to Assembly Joint Resolution No. 15—Relative to the "Humboldt Indian Claims."

Also: Adopted the report of the committee of conference in relation to Senate Bill No. 434—An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1899.

Also: Adopted the report of the committee of conference in relation to Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 199 read first time, and, on motion of Senator Luchsinger, ordered on file without reference to committee.

Assembly Bill No. 200 read first time, and, on motion of Senator Luchsinger, ordered on file without reference to committee.

Assembly Bill No. 871 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 267 read first time, and referred to Committee on Finance.

Senate Bill No. 415 ordered to enrollment.

Assembly Bill No. 717 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 697 read first time, and, on motion of Senator Smith of Los Angeles, ordered on file without reference to committee.

Assembly Bill No. 698 read first time, and, on motion of Senator Smith of Los Angeles, ordered on file without reference to committee.

Assembly Bill No. 699 read first time, and, on motion of Senator Smith of Los Angeles, ordered on file without reference to committee.

Assembly Bill No. 522 read first time, and, on motion of Senator Oneal, ordered on file without reference to committee.

Assembly Constitutional Amendment No. 14 referred to Committee on Constitutional Amendments.

Assembly Bill No. 853 read first time, and referred to Committee on Elections.

Assembly Constitutional Amendment No. 15 referred to Committee on Constitutional Amendments.

Assembly Bill No. 739 read first time, and referred to Committee on Finance.

Senate Bill No. 656 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 432?"

Amend by striking out from the word "If," in line five of Section 3 of the printed bill, to and including the word "thereto," in line ten of Section 3 of the printed bill, and inserting in lieu thereof the words "*provided, however,* that said residence shall not be erected on the State Capitol Park; and *provided further,* that they shall have the power to purchase a site and to make all contracts in relation thereto."

The roll was called, and Assembly amendments to Senate Bill No. 432 concurred in by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nutt, Oneal, Pace, Rowell, Selvage, Shorridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Welch, and Wolfe—27.
NOES—None.

Senate Bill No. 432 ordered to enrollment.

In accordance with the motion of Senator Davis of yesterday, that consideration of Assembly amendments to Senate Bill No. 552 be considered this day when messages from the Assembly were being considered, the same were taken up.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 552?"

Strike out the title and insert in lieu thereof: "An Act to amend the Political Code by amending Section 343 thereof, and adding a new section thereto, to be numbered Section 644."

Also: Strike out all of Section 1 and insert in lieu thereof the following:

"SECTION 1. Section 343 of the Political Code is hereby amended so as to read as follows:

"Section 343. The number and designation of the civil executive officers are as follows: A Governor, a private secretary for the Governor, an executive secretary for the Governor, a Secretary for the Board of Examiners, a Lieutenant-Governor, a Secretary of State, a deputy Secretary of State, a keeper of archives of State for Secretary of State, a bookkeeper for the Secretary of State, three recording clerks for the Secretary of State, a Controller, five clerks for the Controller, a Treasurer, a deputy Treasurer, a bookkeeper for the Treasurer, a clerk for six months in each year for the Treasurer, an Attorney-General, a deputy Attorney-General, a Surveyor-General, who shall be ex officio Register of the State Land Office, a deputy Surveyor-General, one clerk for the Surveyor-General, three clerks for the Register, a Superintendent of Public Instruction, a deputy for the Superintendent of Public Instruction, one clerk for the Superintendent of Public

Instruction, a Superintendent of State Printing, an Inspector of Gas Meters, a Vaccine Agent, an Insurance Commissioner, a deputy for the Insurance Commissioner, three State Capitol Commissioners, four Port Wardens for the Port of San Francisco, a Port Warden for each port of entry except San Francisco, three State Harbor Commissioners, three Harbor Commissioners for the port of Eureka, six pilots for each harbor where there is no Board of Pilot Commissioners, three members of the Board of Pilot Commissioners for the Ports of San Francisco, Mare Island, and Benicia, three members of the Board of Pilot Commissioners for Humboldt Bay and Bar, three Fish Commissioners, a Game Commissioner, a president and twelve directors of the State Board of Agriculture, four members of the State Board of Equalization, a clerk for the Board of Equalization, three members of the State Board of Railroad Commissioners, a secretary of the State Board of Railroad Commissioners, seven members of the State Board of Health, five members of the San Francisco Board of Health, five members of the Sacramento Board of Health, twenty-two regents of the University of California, three members of the State Board of Education, seven trustees of the State Normal School, five trustees of the State Library, a State Librarian, two deputies for the State Librarian, a librarian for the Supreme Court Library, five directors for the State Prisons, two wardens for the State Prisons, two clerks of the State Prisons, five directors for the Insane Asylum at Stockton, five directors for the Insane Asylum at Napa, a Medical Superintendent of the Insane Asylum at Stockton, two assistant physicians of the Insane Asylum at Stockton, a resident physician of the insane at Napa, one first assistant physician of the Insane Asylum at Napa: *provided*, when the number of patients shall increase to six hundred, the trustees may elect one additional second assistant physician, with the same pay and emoluments as the first assistant physician, a treasurer of the Insane Asylum at Stockton, a treasurer of the Insane Asylum at Napa, five trustees of the Asylum for the Deaf and Dumb and the Blind, three trustees of the State burying grounds, nine Commissioners of the Yosemite Valley and the Mariposa Big Tree Grove; such other officers as fill offices created by or under the authority of general laws for the government of counties, cities, and towns, or of the charters or special laws affecting the same, or of the health, school, election, road, or revenue laws." [In effect March 21, 1889.]

Also: Strike out Sections 2, 3, and 4, and insert in lieu thereof the following:

"Sec. 2. A new section is hereby added to the Political Code, to be numbered 644, so as to read as follows:

"Section 644. It is the duty of the Game Commissioner:

"1. To see that the laws for the preservation of game are strictly enforced; and for that purpose he may from time to time appoint such assistants as he may deem necessary, which persons so appointed as assistants shall have the powers and authorities of sheriffs to make arrests for violations of such laws throughout the State;

"2. To provide for the distribution and protection of game birds imported into this State for the purposes of propagation;

"3. To report biennially to the Governor a statement of all his transactions;

"4. To perform such other duties as are provided by law. The Game Commissioner shall hold his office at the pleasure of the Governor, and shall serve without compensation.

The roll was called, and Assembly amendments to Senate Bill No. 552 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentert, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Welch, and Wolfe—28.

NOES—None.

Senate Bill No. 552 ordered to enrollment.

SUSPENSION OF RULES.

Senator Smith of Los Angeles asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bills Nos. 697, 698, 699, 199, and 200.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Los Angeles:

Resolved, That Assembly Bills Nos. 697, 698, 699, 199, and 200 present cases of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is hereby ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—31.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 697—An Act to provide for the purchase of sewing machines for replacing the sewing machines now worn out in the tailor shop and girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 697 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, and Welch—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 698—An Act to provide for the purchase and installation of additional bathtubs for the girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 698 finally passed by the following vote:

AYES—Senator Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Sims, and Smith of Los Angeles—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 699—An Act to provide for the purchase of library books, periodicals, and magazines for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 699 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 199—An Act to provide an electric plant for lighting the buildings and grounds of the Mendocino State Hospital, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 199 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Pace, Plunkett, Selvage, Sims, Smith of Los Angeles, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 200—An Act to provide an ice machine and cold-storage plant for the Mendocino State Hospital, with the necessary connections and fittings, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Cutter asked for and was granted unanimous consent to take up Assembly Bill No. 793 for immediate consideration.

Assembly Bill No. 793—An Act to amend the Political Code by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said Code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, concerning primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 793 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Oneal, Rowell, Selvage, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Cutter be and he is hereby permitted to introduce a bill, to be numbered 660.

The question being on the adoption of the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Sims, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—30.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Cutter: Senate Bill No. 660—An Act authorizing Boards of Supervisors or other governing bodies of municipalities to declare holidays.

Bill read first time, and ordered on file.

BILLS RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Nutt, Assembly Bill No. 178 was recalled from committee, and ordered placed on file.

On motion of Senator Davis, Assembly Bill No. 267 was recalled from committee, and ordered placed on file.

On motion of Senator Selvage, Assembly Bill No. 694 was recalled from committee, and ordered placed on file.

MOTIONS.

Senator Wolfe moved that when the Senate adjourns on this day it do so out of respect to the memory of the late Hon. Benjamin Harrison, ex-President of the United States.

Motion unanimously adopted by rising vote.

Senator Smith of Kern moved that a committee of five be appointed to draft a suitable memorial of the life and acts of the Hon. Benjamin Harrison, to be spread upon the minutes of the Senate.

Motion carried.

APPOINTMENT OF COMMITTEE.

In accordance with the above motion, the President appointed Senators Smith of Kern, Ashe, Cutter, Caldwell, and Shortridge as such committee.

SUSPENSION OF RULES.

Senator Shortridge asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bills Nos. 615, 617, and 618 and Senate Bill No. 538.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Shortridge:

Resolved, That Assembly Bills Nos. 615, 617, and 618 and Senate Bill No. 538 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Nelson, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—34.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 615—An Act to provide for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 615 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Hoey, Laird, Lardner, Leavitt, Lukens, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 617—An Act to provide for improving the grounds of Agnews State Hospital, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 617 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Curtin, Cutter, Devlin, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 618—An Act to provide for the building and furnishing of a cottage upon the grounds of Agnews State Hospital, and to appropriate money therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 538—An Act to provide for the payment of judgments against counties, cities, cities and counties, and towns.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 538 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Cutter, Greenwell, Lardner, Leavitt, Lukens, Maggard, Nelson, Oneal, Pace, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER RESET.

On motion of Senator Flint, consideration of the Governor's veto to Senate Bill No. 161, heretofore made special order for this hour, was postponed until Thursday, March 14, 1901, at three o'clock and thirty minutes P. M., and therefore made special order for that date and hour.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Committee Substitute for Senate Bill No. 346—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to public administrators.

Senate Bill No. 625—An Act amending Section 2237 of the Political Code, relating to the name and purpose of the Deaf, Dumb, and Blind Asylum.

Senate Bill No. 572—An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen while farm overseer at the California Home for the Care and Training of Feeble-Minded Children during the years 1896, 1897, and 1898, in the sum of \$242.

Also: Have examined and found the following bill correctly re-engrossed:

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code and all Acts and parts of Acts in conflict with this Act.

NELSON, Chairman.

Committee Substitute for Senate Bill No. 346 and Senate Bills Nos. 625 and 572 ordered on file for third reading.

Senate Bill No. 502 ordered on file for passage.

TIME FOR CONSIDERATION OF ASSEMBLY BILLS CONTINUED.

On motion of Senator Taylor, the time for consideration of special file of Assembly bills, now under consideration, was continued for one hour.

Assembly Bill No. 850—An Act to amend Section 531 of the Political Code of the State of California, relative to the duties and qualifications of the Superintendent of State Printing of said State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 340—An Act appropriating \$5,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital at Patton, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 340 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Nutt, Oneal,

Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 342—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 342 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Nelson, Nutt, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506—An Act making an appropriation to pay for an air compressor for the State Prison at Folsom.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 506 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Maggard, Nutt, Rowell, Selvage, Smith of Los Angeles, Taylor, Welch, and Wolfe—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 77—An Act to amend Section 1136 of the Penal Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 360—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 288, relating to crimes against children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 360 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Maggard, Nutt, Oneal, Rowell, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Oneal asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bills Nos. 235, 386, 522, 238, 645, and 426 and Senate Bill No. 522.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Oneal:

Resolved, That Assembly Bills Nos. 235, 386, 522, 238, 645, and 426 and Senate Bill No. 522 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Caldwell, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Muentner, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—31.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 235—An Act making an appropriation to pay the expenses incurred for the funeral of the late Lieutenant Hartley R. Hodgson, N. G. C.

Read second time on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 235 finally passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Cutter, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Muentner, Nutt, Oneal, Plunkett, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 386—An Act to amend Section 296 of the Civil Code, relating to the filing of articles of incorporation.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 386 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 522—An Act making an appropriation to provide for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 522 finally passed by the following vote:

AYES—Senators Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 522—An Act making an appropriation to pay the claim of Jo D. Sproul, District Attorney of Butte County, for costs of suit in foreclosing delinquent purchasers of State school lands, and directing payment of same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 passed by the following vote:

AYES—Senators Bettman, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 238—An Act making an appropriation for repairs at the Woman's Relief Corps Home (located at Evergreen, Santa Clara County) for ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably in the Civil War.

Read second time on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 238 finally passed by the following vote:

AYES—Senators Bettman, Caldwell, Currier, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 645—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended March 26, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 645 finally passed by the following vote:

AYES—Senators Ashe, Burnett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senator Caldwell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426—An Act making an appropriation to pay the claim of William J. Elder for rent of room used by the Commissioners for the Revision and Reform of the Law at the State House Hotel, in the City of Sacramento, from the 12th day of January, 1899, to the 19th day of March, 1899.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 426 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Nutt, Oneal, Pace, Rowell, Sims, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILL.

Assembly Bill No. 207—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "immediately," in line one, Section 4, first page, printed bill, and inserting in lieu thereof the following: "on and after the first day of January, nineteen hundred and two."

Amendment adopted.

Bill read second time, ordered to print and third reading.

THIRD READING OF BILL.

Assembly Bill No. 546—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Read third time.

Senator Tyrrell of Nevada moved to refer to Senator Davis, as a special committee of one, to amend as follows:

Amend by striking out all of Sections 1 and 2 of the printed bill, after the enacting clause, on page one, and inserting immediately after the enacting clause the following:

"SECTION 1. Three new sections are hereby added to an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895, to be known as sections seven, eight, and nine of said Act, to read as follows."

Also: Amend by striking out of Section 3, line one, page two, the word and figure "Sec. 3," and inserting "Sec. 7."

Also: Amend by striking out of Section 4, line one, page two, the word and figure "Sec. 4," and inserting "Sec. 8."

Also: Amend by striking out of Section 5, line one, page two, the word and figure "Sec. 5," and inserting "Sec. 9."

Also: Amend by striking out all of Section 6 of bill, and inserting the following:

"Sec. 2. Section five of said Act is hereby amended to read as follows:

"Section 5. The particular provisions of all Acts and parts of Acts that are in conflict with this Act are hereby repealed."

Also: Amend Section 7, at bottom of page two, by striking out the word and figure "Sec. 7," and inserting "Sec. 3."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 546—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895—with instructions to amend, respectfully reports the same back, amended as per instructions.

DAVIS, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and on file for passage.

Assembly Bill No. 58—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 625—An Act to amend Section 2237 of the Political Code, relating to the name and purpose of the Deaf, Dumb, and Blind Asylum.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Currier, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Nutt, Oneal, Rowell, Selvage, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 72—An Act to amend Section 1665 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

During second reading of bill, the following amendments were offered by Senator Lardner:

On page one, line two, insert the figures "1665" before the word "instruction."

Also: Amend by inserting the word and figure "Section 1," before the word "section," in line one.

Amendments adopted.

Bill read second time, ordered to print and third reading.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Taylor moved that the motion of Senator Smith of Kern that consideration of the motion of a previous day that the vote whereby Assembly Constitutional Amendment No. 28—A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Article XX by adding thereto two new sections, to be known as Sections 21 and 22, relating to a State Commission to have charge, in certain respects, of railroads, transportation companies, com-

mon carriers, banks, insurance companies, water, gas, and electric light and power, telephone companies, telegraph companies, and sleeping car companies, and express companies, and of certain services and commodities, howsoever supplied to the public, and regulations concerning the same, and repealing certain present constitutional provisions relative to the same subject—was on a previous day adopted, be reconsidered, be postponed until Thursday, March 14, 1901, at three o'clock and thirty minutes P. M.

The question being on the motion to postpone.

The ayes and noes were demanded by Senators Bettman, Oneal, and Leavitt.

The roll was called.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Oneal moved a call of the Senate.

The question being on the motion for call of the Senate.

The ayes and noes were demanded by Senators Tyrrell of San Francisco, Oneal, and Leavitt.

The roll was called, and the result of roll call was as follows:

AYES—Senators Bettman, Byrnes, Cutter, Devlin, Hoey, Laird, Leavitt, Nutt, Oneal, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—16.

NOES—Senators Ashe, Belshaw, Burnett, Currier, Davis, Flint, Goad, Lardner, Luchsinger, Lukens, Rowell, Selvage, Sims, Smith of Kern, and Taylor—16.

Whereupon the President declared the motion for call of the Senate lost.

Whereupon the President declared the motion to postpone consideration of the motion to reconsider postponed until Thursday, March 14, 1901, at three o'clock and thirty minutes P. M., by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Currier, Davis, Flint, Goad, Lardner, Luchsinger, Lukens, Rowell, Selvage, Sims, Smith of Kern, Smith of Los Angeles, and Taylor—16.

NOES—Senators Bettman, Byrnes, Cutter, Devlin, Hoey, Leavitt, Nutt, Oneal, Shortridge, Simpson, Tyrrell of Nevada, and Tyrrell of San Francisco—12.

SECOND READING OF BILL.

Assembly Bill No. 880—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

During second reading of bill, the following amendments were offered by Senator Currier:

Amend by inserting after the word "Act," in the title of the bill, "to add a new section to the Penal Code, to be known and numbered Section 556."

Amendment adopted.

Also:

In Section 1, line one, strike out the word and figure "Section 1," and insert the following:

"SECTION 1. A new section is hereby added to the Penal Code, to be known and numbered section five hundred and fifty-six, and to read as follows: Section 556."

Amendment adopted.

Also:

In Section 2, line one, strike out the word and figure "Sec. 2."

Amendment adopted.

Also:

In Section 2, line one, strike out the word "Act," and insert in lieu thereof the word "section."

Amendment adopted.

Bill read second time, ordered to print and third reading.

THIRD READING OF BILLS.

Senate Bill No. 572—An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen while farm overseer at the California Home for the Care and Training of Feeble-Minded Children during the years 1896, 1897, and 1898, in the sum of \$242.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 572 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Davis, Devlin, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 416—An Act to create and regulate public warehouses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 826—An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 826 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Lukens, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 253—An Act making an appropriation to pay the deficiency in the Adult Blind Fund, and directing the Controller and Treasurer to transfer the amount therein appropriated from the General Fund to said Adult Blind Fund.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 253 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Davis, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Oneal, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILL.

Senate Bill No. 467—An Act making an appropriation to pay the claim of Christopher McNulty, for injuries received on property belonging to the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Davis, the notice of motion given by Senator Simpson on a previous day to reconsider the vote whereby Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal—was on a previous day refused adoption, was postponed until Thursday, March 14, 1901.

RECESS.

At the hour of four o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, and Welch—30.

Quorum present.

REPORTS OF COMMITTEES OF CONFERENCE.

The following reports of committees of conference were received and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1901.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—report that we have met a like committee of the Assembly, consisting of Assemblymen Anderson, Stewart, and Schillig, and we report that the conference committee recommends that the Senate concur in the Assembly amendments.

CURRIER, Chairman.

The question being on the adoption of the same.

The roll was called, and the report adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, and Taylor—21.

NOES—Senators Ashe, Curtin, Hoey, Nelson, Oneal, Pace, Plunkett, Selvage, Shortridge, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—13.

Senate Bill No. 19 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your committee of conference concerning Senate Bill No. 447—An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein—report that we have met a like committee of the Assem-

bly, consisting of Assemblymen Johnson, Rutherford, and Duryea, and we report that the committee of conference have failed to agree, and recommend the appointment of a free conference committee to meet a like committee from the Assembly.

C. M. BELSHAW,
S. C. SMITH,
G. R. LUKENS,
Committee.

The question being on the adoption of the same.

The roll was called, and the report adopted by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Smith of Kern be and he is hereby permitted to introduce a bill, to be numbered 661.

The question being on the adoption of the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, and Taylor—27.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Committee on Finance: Senate Bill No. 661—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read first time, and ordered on file.

SPECIAL ORDER SET.

On motion of Senator Smith of Kern, the consideration of Senate Bill No. 661 was made special order for Thursday, March 14, 1901, to follow the regular order after reports of standing committees.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That the resolution adopted in Senate, March 12, 1901, that the State Printer be authorized to print for the use of the Senators two thousand copies each of Substitute Senate Bill No. 138, Assembly Bill No. 683, and Assembly Bill No. 764, and also directing the Controller to draw his warrant in favor of the State Printer for \$900, payable from the Contingent Fund of the Senate, and directing the Treasurer to pay the same, be and the same is hereby rescinded.

The question being on the adoption of the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—32.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Nutt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 416—An Act appropriating money for the wiring of the Napa State Hospital building for electric lights.

Also: Committee Substitute for Senate Bill No. 356—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Bateman Bros. for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Also: Adopted Assembly Concurrent Resolution No. 11—Relative to thanking Mrs. Phoebe A. Hearst.

Also: Passed Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, woodworking and carpenter shop, and for the necessary machinery for equipping and operating the same, at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water-front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880, approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

Also: Senate Bill No. 321—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 416, 518, 396, 321, and Committee Substitute for Senate Bill No. 356 ordered to enrollment.

Assembly Concurrent Resolution No. 11 ordered on file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 428—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor and secure an option of purchase therefor, and submit sketch plans and specifications for said prison; and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of incorrigibles at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes.

Also: Senate Bill No. 469—An Act to amend Section 110 of the Code of Civil Procedure of the State of California.

Also: Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Also: Senate Bill No. 462—An Act to amend Section 2349 of the Political Code of the State of California, relating to public way.

Also: Senate Bill No. 430—An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of clerks of said board.

Also: Senate Bill No. 15—An Act to provide for the erection of a modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, and appropriating money therefor.

Also: Committee Substitute for Senate Bill No. 209—An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Also: Senate Bill No. 427—An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age.

Also: Senate Bill No. 563—An Act to amend Section 2712 of the Political Code, relating to the construction, maintenance, and repairs of bridges and tunnels, or the purchase of toll-roads.

Also: Concurred in Senate amendments to Assembly Bill No. 875--An Act making an appropriation for the support of the government of the State of California for the fifty-third and fifty-fourth fiscal years.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 428 read first time, and referred to Committee on Prisons.

Senate Bills Nos. 469, 224, 462, 430, 15, 427, 563, and Committee Substitute for Senate Bill No. 209 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 218--An Act to pay the claim of C. B. Lightfoot against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 583--An Act to add a new section to the Political Code, to be known as Section 1778, relating to the granting and issuance of permanent certificates to teach in the several counties and cities and counties in the State.

Also: Assembly Bill No. 288--An Act to establish a State highway over the present county road between the City of Salinas, in Monterey County, and San Miguel, in the County of San Luis Obispo, and making an appropriation for the improvement, maintenance, and protection thereof.

Also: Assembly Bill No. 815--An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, which new section shall be designated 214½, being a section creating the office of matron of the county jail in and for the counties of the first, second, third, and fourth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Also: Assembly Bill No. 832--An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and Acts supplementary thereto or amendatory thereof, including an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 218 read first time, and referred to Committee on Finance.

Assembly Bill No. 583 read first time, and, on motion of Senator Taylor, ordered on file without reference to committee.

Assembly Bill No. 288 read first time, and referred to Committee on Highways.

Assembly Bill No. 815 read first time, and, on motion of Senator Taylor, ordered on file without reference to committee.

Assembly Bill No. 832 read first time, and, on motion of Senator Nutt, ordered on file without reference to committee.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Wolfe, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 13, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 455, entitled "An Act to repeal an Act entitled 'An Act to incorporate the Town of Downieville,' approved March 18, 1863, and to repeal an Act amendatory thereof, entitled 'An Act to amend an Act to incorporate the Town of Downieville,' passed March 18, 1863," approved March 31, 1866"; and No. 436, entitled "An Act to amend an Act entitled 'An Act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same,' approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby";

and No. 14, entitled "An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita"; and No. 479, entitled "An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 13, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval Committee Substitute for Senate Bills Nos. 311 and 382, entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder."

This bill authorizes the owners and holders of claims for bounties on coyote scalps to commence and prosecute suits for their claims in any of the courts of the State of competent jurisdiction, and appropriates the sum of \$287,615 for the payment of all judgments obtained in said suits. Although the terms of the bill appear to be fair for the State, so far as lawful claims may exist under the former Coyote Scalp Bounty Act, yet I do not approve of the appropriation at this time of the specific sum of \$287,615, which must be raised by taxation.

This same amount was presented in different forms of bills to Governor Markham and Governor Budd, but failed to receive their approval. In my inaugural address I called the attention of the Legislature at its thirty-third session to the messages of Governor Markham and Governor Budd, and to the report of the Controller for the years 1897 and 1898 upon this subject, and said: "From the foregoing reports it will be observed that these claims, amounting to \$287,615, are as a whole tainted with fraud, and the honest claims, if any, are not segregated from the dishonest demands, and should be segregated before any appropriations are made."

The direct appropriation at this time of this specific sum of \$287,615, to be made in payment of the judgments to be obtained covers all claims, both fraudulent and lawful, and will tax the people in advance of the ascertainment of the actual claims justly due, so that it is probable that an amount exceeding that required for the payment of lawful claims would be thereby levied. Thus it will be manifest that the lawful claims should be reduced to judgments before any appropriation should be made therefor, and the judgments when obtained, should follow the usual course. Such a procedure as this would protect alike the interests of the claimants and of the State and be just to both, thus settling a long-vexed question.

It is but right that the State should pay all just demands against it, but not in advance of the determination of the validity and amount of such claims.

It is required that a limit should be drawn now against further appropriations, other than those of the most urgent and necessary character; otherwise the cost of running the State will be unusually increased, and will become a very great burden to the taxpayers.

This Legislature, among other bills, has already passed for my consideration various road bills carrying large appropriations, aggregating hundreds of thousands of dollars, which if approved by me would at this time be a grievous wrong and burden upon the taxpayers of the State. In a message this day transmitted to the Assembly disapproving one of these bills, I was obliged to call attention to these excessive appropriations, and to appeal to that body to refrain, as far as possible, from giving their further sanction to bills carrying appropriations except of the most urgent and necessary character. I most respectfully appeal likewise to your honorable body to cooperate with me in preventing the passage of further appropriation bills, which however praiseworthy in purpose, should not and cannot receive my approval at this session, in view of the many more necessary State needs and of the many special appropriations already passed. The responsibility of rejecting bills carrying appropriations which would unnecessarily increase the tax levy should not be shifted from your honorable body to the Executive. Your cooperation in the work of economy is a solemn duty to the people of the State.

Notwithstanding the many appeals which are made in behalf of particular localities deeply concerned in the passage of bills carrying large appropriations, you should remember that the interests of the people of the whole State are above the interests of any particular section.

The pledge to economy, which was an essential part of the platform of the party that elected me and the dominant party in your honorable body, requires Republican cooperation in the labor of curtailing the State's expenses, and limiting as far as possible the special as well as general appropriations, in order that the taxpayers may not be unduly burdened.

HENRY T. GAGE,
Governor of the State of California.

At nine o'clock and five minutes p. m., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

CONSIDERATION OF VETO POSTPONED.

Consideration of the Governor's veto to Committee Substitute for Senate Bills Nos. 311 and 382 was postponed until Thursday, March 14, 1901.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

On motion of Senator Oneal, the Senate proceeded to consider the Special File of Assembly Bills.

Assembly Constitutional Amendment No. 11—Proposing to the people of the State of California that a new section be added to the Constitution, to be known and designated as Section 8 $\frac{1}{2}$, Article XI thereof.

During the reading of the constitutional amendment, the following amendment was offered by Senator Taylor:

Amend by inserting the following before the first word "the" on line one: "To propose to the people of the State of California an amendment to the Constitution of the State by adding a new section to Article XI thereof, to be designated as Section 8 $\frac{1}{2}$, relating to the amendment of city or city and county charters."

Amendment adopted.

Constitutional amendment ordered to print.

Assembly Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

Passed on file.

Assembly Bill No. 869—An Act to amend Section 490 of the Civil Code, relating to railroad fares and tickets.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

Time, nine o'clock and ten minutes p. m.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter-Davis, Devlin, Greenwell, Hoey, Laird, Lardner, Leavitt.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and eleven minutes p. m., on reaching the name of Senator Leavitt in the roll call, further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the acting President announced that Assembly Bill No. 869 was finally passed by the following vote:

AYES—Senators Bettman, Byrnes, Caldwell, Corlett, Cutter, Devlin, Greenwell, Hoey,

Laird, Leavitt, Maggard, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Ashe, Belshaw, Curtin, Davis, Goad, Lardner, Luchsinger, Lukens, Muentner, Rowell, and Taylor—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 599—An Act to amend Section 358 of the Civil Code, relating to organization and continuance of business of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 599 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Cutter, Devlin, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Lukens, Rowell, Sims, and Taylor—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

At nine o'clock and thirty minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 456—An Act to add a new section to the Political Code of the State of California, to be known as Section 3366, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities and towns, and to impose a license tax.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 456 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Curtin, Cutter, Devlin, Flint, Goad, Hoey, Lardner, Lukens, Maggard, Oneal, Pace, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—Senators Nelson and Nutt—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Davis asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bill No. 660.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Davis:

Resolved, That Senate Bill No. 660 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Lardner, Lukens, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—30.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 660—An Act authorizing Boards of Supervisors or other governing bodies of municipalities to declare holidays.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Lardner, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Constitutional Amendment No. 20—A resolution proposing to the people of the State of California an amendment to the Constitution by adding a new section to Article IV thereof, relating to establishing State highways, and providing for the construction and maintenance thereof.

Senate Bill No. 539—An Act providing a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill.

Senate Bill No. 333—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of William Cronan for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco.

Senate Bill No. 222—An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California.

Senate Bill No. 108—An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the state at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State.

Senate Bill No. 508—An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent and regarding the recording of notices of intention to sell certain personal property.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of March, 1901, at two o'clock and forty-five minutes p. m.

Also: Have examined the following Senate bills:

Senate Bill No. 603—An Act amending Section 1874 of the Political Code, providing for a Board of State Text-Book Commissioners, authorizing them to revise, compile, manufacture, and distribute school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books, authorizing the payment of royalties for use of copyrighted matter, and for the performance of other acts necessary to procure a first-class series of uniform school text-books; granting powers to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of supplementary books and a list of apparatus for use in the common schools and district school libraries; prescribing books for use in various branches of the common schools, authorizing such commissioners to appoint a secretary, prescribing the duties of such secretary and fixing his compensation; prescribing the duties of Superintendent of Public Instruction upon the adoption or revision of a State series of text-books; providing that the Superintendent of State Printing have supervision over the printing of such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the School-Book Fund shall consist, and prescribing the use of the moneys in said fund; repealing Section 1519 of the Political Code, relating to the State Board of Education, County Boards of Education, and to text-books for use in the common schools.

Senate Bill No. 310—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Senate Bill No. 12—An Act to validate certain acts and proceedings had under an Act of the Legislature of the State of California entitled "An Act to provide for the

organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands," approved March 31, 1897.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of March, 1901, at three o'clock and fifteen minutes P. M.

NELSON, Chairman.

ON JUDICIARY—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 13, 1901

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 517—An Act to amend Section 3546, Section 3547, and Section 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DAVIS, Chairman.

Assembly Bill No. 517 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Senator Goad asked unanimous consent to withdraw Senate Bill No. 225—An Act to provide an ice machine and cold-storage plant for the Mendocino State Hospital, with the necessary connections and fittings, and making an appropriation therefor.

Also: Senate Bill No. 226—An Act to provide an electric plant for lighting the buildings and grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 227—An Act to appropriate \$25,000 for the erection of a connecting building at the Mendocino State Hospital.

Also: Senate Bill No. 228—An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital.

Consent granted.

Bills withdrawn and ordered stricken from the file.

ADJOURNMENT.

At ten o'clock and five minutes P. M., in accordance with a motion this day adopted, Senator Taylor moved that the Senate do now adjourn out of respect to the memory of the late Hon. Benjamin Harrison, ex-President of the United States.

Motion unanimously carried by rising vote.

Whereupon the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 14, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Sensors Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Smith of Los Angeles, and Tyrrell of Nevada—24.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Wednesday, March 13, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Saturday, March 9, 1901, having been previously read and corrected, was approved.

RESOLUTIONS.

The following resolutions were offered:

By Senator Simpson:

Resolved, That the sum of \$40 be and the same is hereby allowed to B. M. Poore, for services rendered to the Senate as stenographer during the thirty-fourth session. The Controller of State is hereby authorized to draw his warrant for the amount herein named, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Nelson:

Resolved, That L. Kirschbaum, File Clerk and P. J. Grey and Homer K. Ritchie, Assistant File Clerks, be and they are hereby employed to remain in Sacramento after final adjournment to complete the making up of the files, and for the purpose of concluding the work devolving upon them as such File Clerks in arranging and completing said files, and to deliver the same to the Secretary of the Senate upon their completion, and that the sum of \$20 be allowed to each of the above-named File Clerks, from and after the final adjournment of the thirty-fourth session of the Legislature, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Cutter:

Resolved, That C. E. Williams, Bookkeeper to the Sergeant-at Arms of the Senate, be instructed to deliver all warrants, vouchers, and papers after the close of the session, to their proper owners, and also to make up a file of the chapters and send same to each Senator.

Resolved, That he be allowed \$50 for above services, and the Controller is hereby instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the State Printer for the sum of \$600, in payment of the printing of 2,100 additional copies of Bulletin 19, heretofore ordered printed by the Senate.

Resolution read.

SUSPENSION OF RULES.

Senator Cutter moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Rowell, Selvage, Shortridge, Simpson, and Tyrrell of Nevada—23.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, and Welch—25.
NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bill correctly engrossed:

Senate Bill No. 467—An Act making an appropriation to pay the claim of Christopher McNulty for injuries received on property belonging to the State of California.

NELSON, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Concurrent Resolution No. 10—Resolution welcoming to the State of California the International Convention of Epworth Leagues upon the occasion of its fifth biennial session, to be held in San Francisco July 18 to 21, 1901—have had the same under consideration, and respectfully report the same back, with committee amendments, without recommendation.

LARDNER, Chairman.

Senate Concurrent Resolution No. 10 ordered on file.

SPECIAL ORDER RESET.

The hour for consideration of special order heretofore set, being consideration of Senate Constitutional Amendment No. 11, having arrived, on motion of Senator Davis the same was postponed until Friday, March 15, 1901, immediately following regular order of reports of standing committees, and was therefore made special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Senate Bill No. 661, having arrived, the same was taken up.

Senate Bill No. 661—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill not having been returned from print, was passed on file.

CONSIDERATION OF SENATE SPECIAL FILE.

Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Passed on file.

Senate Bill No. 609—An Act to define express companies and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon.

Passed on file.

Senate Bill No. 502—An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Taylor moved a call of the Senate.

Motion carried.

Time, ten o'clock and thirty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenster, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Taylor, Tyrrell of Nevada, and Welch—28.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and thirty-two minutes A. M., Senator Goad was brought to the bar of the Senate, and, on motion of Senator Oneal, excused for absence from the Senate chamber.

At ten o'clock and twenty-four minutes A. M., Senator Selvage was brought to the bar of the Senate, and, on motion of Senator Oneal excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty-five minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Bettman.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 502 was refused passage by the following vote:

AYES—Senators Belshaw, Burnett, Corlett, Curtin, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenster, Nutt, Rowell, Selvage, and Smith of Kern—18.

NOES—Senators Bettman, Byrnes, Caldwell, Cutter, Davis, Hoey, Nelson, Oneal, Shortridge, Simpson, Taylor, Tyrrell of San Francisco, and Welch—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Taylor gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 502 was this day refused passage.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the report of the committee of conference received yesterday concerning Senate Bill No. 447, the President appointed Senators Cutter, Rowell, and Leavitt as a committee of free conference to meet a like committee from the Assembly.

CONSIDERATION OF SENATE SPECIAL FILE—(RESUMED).

Senate Bill No. 607—An Act to amend the Penal Code of California by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away of baneful or injurious food adulterants.

Passed on file.

Senate Bill No. 338—An Act making an appropriation for the erec-

tion of a workshop at the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 394—An Act to amend Section 2921 of the Political Code of the State of California.

Passed on file.

At ten o'clock and forty minutes A. M., Hon. C. M. Shortridge, State Senator from the Thirtieth Senatorial District, in the chair.

Senate Bill No. 346—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to public administrators.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Davis moved a call of the Senate.

Time, ten o'clock and forty-three minutes A. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Rowell, Selva, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Welch, and Wolfe—33.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and forty-five minutes A. M., Senator Cutter was brought to the bar of the Senate, and, on motion of Senator Taylor, excused for absence from the Senate chamber.

At ten o'clock and forty-seven minutes A. M., Senator Tyrrell of San Francisco was brought to the bar of the Senate, and, on motion of Senator Oneal, excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and forty-nine minutes A. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Tyrrell of San Francisco.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 346 was refused passage by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Currier, Curtin, Greenwell, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, and Taylor—13

NOES—Senators Bettman, Byrnes, Corlett, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Nelson, Oneal, Simpson, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Davis gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 346 was this day refused passage.

Assembly Bill No. 754—An Act to add a new section to the Political Code, to be known as Section 2647 of the Political Code, relating to the duties and powers of Boards of Supervisors respecting roads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 754 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Currier, Curtin, Davis, Flint, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Oneal, Plunkett, Selvage, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Byrnes, Laird, Lardner, Nutt, Rowell, Shorridge, Smith of Kern, and Welch—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 761—An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars, or boats of railroad and steamship companies.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 467—An Act making an appropriation to pay the claim of Christopher McNulty for injuries received on property belonging to the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nutt, Oneal, Plunkett, Rowell, Selvage, Shorridge, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shorridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 625—An Act to amend the Penal Code of the State of California, relating to the preservation of game, and to create a Game Preservation Fund, and to appropriate the moneys in said fund.

Read third time.

Senator Belshaw moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Amend by striking out of Section 4 the words "first day of August," and inserting the words "fifteenth day of July."

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Belshaw, Taylor, and Wolfe.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Bettman, Corlett, Cutter, Davis, Leavitt, Maggard, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—11.

NOES—Senators Ashe, Burnett, Byrnes, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Laird, Lukens, Muenter, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—22.

Senator Belshaw moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Amend by striking out of Section 12, line four, the word "quail."

The question being on the motion to refer to special committee of one.

The ayes and noes were demanded by Senators Wolfe, Belshaw, and Bettman.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Curtin, Cutter, Davis, Leavitt, Simpson, Tyrrell of San Francisco, and Wolfe—11.

NOES—Senators Ashe, Burnett, Currier, Flint, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Plunkett, Selvage, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—22.

Senator Cutter moved to refer to Senator Corlett, as a special committee of one, to amend as follows:

Amend by striking out all of Section 12, and renumbering the succeeding sections to correspond.

POINT OF ORDER.

Senator Belshaw raised the point of order that the proposed amendment was offered and defeated on a previous day, and therefore out of order.

The acting President declared the point of order well taken.

Senator Leavitt moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, lines five to twelve inclusive, and inserting the following:

"Section 626. Every person who, for three years from and after the passage of this Act, hunts, pursues, takes, kills, destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the State from any other State, Territory, or foreign country, any quail, partridge, grouse, sagehen, ibis, plover, or deer, is guilty of a misdemeanor."

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Belshaw, Leavitt, and Wolfe.

The roll was called, and motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Corlett, Curtin, Davis, Goad, Leavitt, Maggard, Simpson, Tyrrell of San Francisco, and Wolfe—13.

NOES—Senators Burnett, Byrnes, Currier, Flint, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Muenter, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—23.

Senator Caldwell moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of Section 5, line five, the word "twenty-five," and inserting the word "five."

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Belshaw, Leavitt, and Wolfe.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Cutter, Leavitt, Maggard, Muenter, Simpson, Tyrrell of San Francisco, and Wolfe—11.

NOES—Senators Burnett, Byrnes, Currier, Curtin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—24.

Senator Simpson moved to refer to Senator Smith, as a special committee of one, to amend as follows:

Amend by striking out of Section 5, line six, the word "fifty," wherever it occurs, and inserting the word "ten."

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Simpson.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Caldwell, Cutter, Davis, Leavitt, Muentner, Simpson, Tyrrell of San Francisco, and Wolfe—9.

NOES—Senators Burnett, Byrnes, Corlett, Currier, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—23.

Senator Wolfe moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by adding after the word "any," in line four, Section 12, page four of the bill, the word "mountain."

Senator Oneal moved to lay the motion on the table.

The question being on the motion to lay on the table.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Simpson.

The roll was called, and motion carried by the following vote:

AYES—Senators Ashe, Burnett, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—22.

NOES—Senators Belshaw, Caldwell, Curtin, Cutter, Davis, Leavitt, Simpson, Tyrrell of San Francisco, and Wolfe—9.

Senator Simpson moved to refer to Senator Smith, as a special committee of one, to amend as follows:

Amend Section 5, line six, by striking out the word "twenty," and inserting the word "ten."

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Leavitt, Wolfe, and Simpson.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Caldwell, Cutter, Davis, Leavitt, Simpson, Tyrrell of San Francisco, Welch, and Wolfe—9.

NOES—Senators Bettman, Burnett, Byrnes, Currier, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith of Kern, Taylor, and Tyrrell of Nevada—22.

Senator Taylor moved the previous question.

The question being, "Shall the main question be now put?"

The same was carried.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 625 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—28.

NOES—Senators Bettman, Caldwell, Cutter, Simpson, Tyrrell of San Francisco, and Wolfe—6.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 625 was this day finally passed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 871—An Act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1319, providing for a contest of a will and procedure therein by the Public Administrator in cases where, under the laws of the State of California, a tax upon inheritances would be paid if the decedent should be adjudged to have died intestate; also providing the grounds upon which and the time in which such contest may be made, providing for payment of the expense of such contest, and for the administration of the estate in certain cases arising out of such contest; also providing for the dismissal of such contest—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 702—An Act to amend Sections 3462 and 3463 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Drainage.

DAVIS, Chairman.

Assembly Bill No. 871 ordered on file for second reading.

Assembly Bill No. 702 re-referred to Committee on Drainage.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Simpson, Sims, Smith of Kern, and Welch—23.

Quorum present.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Smith of Kern, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 82—An Act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within State hospitals) becoming a public charge upon the counties, or cities and counties, within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons.

Also: Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Also: Amended, and passed as amended, Senate Bill No. 569—An Act to execute and carry into effect Section 3 of Article XX of the Constitution of the State of California.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 82 and 393 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 569?"

AMENDMENT No. 1.

Amend the title by striking out the numerals "XXII," and inserting in lieu thereof the numerals "XX."

AMENDMENT No. 2.

Amend by striking out the word "twenty-two," in lines four and five of Section 1, and inserting in lieu thereof the word "twenty."

The roll was called, and Assembly amendments to Senate Bill No. 569 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Shortridge, Simpson, Smith, of Kern, and Welch—22.

NOES—None.

Senate Bill No. 569 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Also: Amended, and passed as amended, Senate Bill No. 120—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collections, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Also: Passed Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Also: Amended, and passed as amended, Senate Bill No. 114—An Act to amend the Penal Code by adding a new section to Title XV thereof, to be numbered 637½, providing for the protection of wild birds, and their eggs and nests.

Also: Passed Senate Bill No. 288—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Also: Senate Bill No. 232—An Act to amend Section 850 of the Code of Civil Procedure.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 408, 580, 288, and 232 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 120?"

Amend by striking out all of Section 16, lines thirteen to forty-three, inclusive, on page two, and inserting in lieu thereof the following:

"Section 16. All bonds issued under the provisions of this Act shall be of such denomination as the Sanitary Board may determine, except that no bond shall be of a less denomination than one hundred dollars nor of a greater denomination than one thousand dollars. Said bonds shall be payable in gold coin of the United States at the office of the County Treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding five (5) per centum per annum, which interest shall be payable semi-annually in like gold coin. Not less than one twentieth part of the total issue of bonds shall be payable each year, on a day to be specified by the Sanitary Board, but no bonds shall be payable in installments, but each bond issued hereunder shall be payable in full on the date specified therein by said board. Each bond shall be signed by the president and countersigned by the secretary of the Sanitary Board, and said bonds shall be numbered consecutively, beginning with number one (1), and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said board. The bonds must be disposed of by the Sanitary Board in such manner and in such quantities as may be determined by said board in its discretion, but no bonds must be disposed of for less than its face value. The proceeds of such sales shall be deposited with the County Treasurer, and shall be by him placed in the fund to be called the Sewer Construction Fund of ——— Sanitary District (naming it); the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of

the issuance of the bonds, and for no other purpose; *provided*, that if after such purposes are entirely fulfilled any balance remain in such fund, such balance may, upon the order of the Sanitary Board, be transferred to either of the other funds provided by this Act. If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for a period of one year. Whenever the entire amount of bonds issued by any one district under the provisions of the Act of which this is amendatory shall be presented by the holder or holders thereof to the Sanitary Board of the sanitary district issuing the same, there shall be exchanged therefor and issued in lieu thereof to such holder or holders, by the Sanitary Board, bonds issued in accordance herewith for the various installments payable on the so surrendered bonds, and said new bonds so issued in exchange for said old surrendered bonds shall be payable at the same times and place as the installments due under the old bonds; it being the intention hereof to permit the surrender of sanitary district bonds heretofore issued payable in installments by the holders thereof, and the exchange therefor of a like amount of bonds of such sanitary district having a denomination equal to the installments payable under one or more of the bonds heretofore issued by any one sanitary district; said new bonds to be payable at the same time as said installments and in equal amounts; the amount of said new bonds to be payable in any one year to equal the amount of the installments on said old bonds payable in such year. All expenses of the exchange shall be borne by the holder of the bonds presented for exchange, and interest on the new bonds shall be paid at the same time and rate as on the old bonds. Upon such exchange being effected the old bonds shall be canceled by punching holes in the signatures thereto attached, and shall be retained by the Treasurer of said county as evidence of such cancellation."

The roll was called, and Assembly amendment to Senate Bill No. 120 concurred in by the following vote:

AYES—Senators Bettman, Byrnes, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Smith of Kern, Smith of Los Angeles, Taylor, Welch, and Wolfe—22.

NOES—None.

Senate Bill No. 120 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 114?"

Amend by striking out of Section 637¹, lines seventeen and eighteen, the words "except by means of poison."

The roll was called, and Assembly amendment to Senate Bill No. 114 concurred in by the following vote:

AYES—Senators Bettman, Byrnes, Corlett, Currier, Cutter, Davis, Goad, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—21.

NOES—None.

Senate Bill No. 114 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 881—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Bill No. 881 read first time, and, on motion of Senator Smith of Kern, ordered on file without reference to committee.

SUSPENSION OF RULES.

Senator Smith of Kern asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bills Nos. 881 and 766.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That Assembly Bills Nos. 881 and 766 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section

requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Smith of Kern moved a call of the Senate.

Time, two o'clock and twenty-six minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty-eight minutes P. M., on reaching the name of Senator Hoey in the roll call, further proceedings under call of the Senate were dispensed with, on motion of Senator Smith of Kern.

The roll of absentees was called.

Whereupon the President announced that Section 15 of Article IV of the Constitution was suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—29.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 881—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 881 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 766—An Act to amend Section 1665, and to repeal Section 1666 of the Political Code of the State of California, relating to the course of study for the public schools of this State.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 766 refused passage by the following vote:

AYES—Senators Corlett, Curtin, Devlin, Flint, Greenwell, Lardner, Leavitt, Lukens, Muentner, Nutt, Pace, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—17.

NOES—Senators Belshaw, Bettman, Currier, Cutter, Davis, Goad, Hoey, Luchsinger, Maggard, Nelson, Oneal, Shortridge, Sims, Smith of Kern, Tyrrell of San Francisco, and Welch—16.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the conference committee in relation to Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—in which they report that they had met a like committee from the Senate, and were unable to agree. Whereupon said conference committee was discharged, and Assemblymen Johnson, Gans, and Savage were appointed as a committee of free conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

* REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received:

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson, Gans, and Savage, and we report that the free conference committee request further time to consider the same.

CUTTER,
LEAVITT,
ROWELL,

Senate Committee of Free Conference.

Report read and adopted.

COMMUNICATION.

The following communication was presented by Senator Shortridge, and ordered printed in the Journal:

SANTA CLARA, March 14, 1901.

To HON. C. M. SHORTRIDGE, *Sacramento, Cal.*:

Please thank Senate and Assembly for passing Big Basin bill. The pioneer college of California is grateful.

FACULTY AND STUDENTS SANTA CLARA COLLEGE.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following considered engrossed bill correctly engrossed:

Senate Bill No. 388—An Act making an appropriation for the erection of a workshop at the "Industrial Home of Mechanical Trades for the Adult Blind."

NELSON, Chairman.

SUSPENSION OF RULES.

Senator Cutter asked and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bills Nos. 675, 363, 330, 832, 546, 58, 277, 393, 207, 267, 740, 173, 597, 576, 706, 270, 440, and Assembly Concurrent Resolution No. 11.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Assembly Bills Nos. 675, 363, 330, 832, 546, 58, 277, 393, 207, 267, 740, 173, 597, 576, 706, 270, 440, and Assembly Concurrent Resolution No. 11, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is hereby ordered that said bills be read the second and third times, and placed upon their passage.

TIME FOR CONSIDERATION OF ASSEMBLY BILLS CONTINUED.

Senator Belshaw moved that the time for consideration of Assembly bills be extended for one half hour.

Motion carried.

The question being on the adoption of the urgency resolution on Assembly bills by Senator Cutter.

POINT OF ORDER.

Senator Wolfe raised the point of order that the hour of three o'clock and thirty minutes P. M. had arrived, and a special order was set for that hour, and should be taken up.

The President declared the point of order well taken.

CONSIDERATION OF SPECIAL ORDER.

The question then being the consideration of special order heretofore set, being consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 28 was on a previous day adopted.

The same was taken up.

Senator Taylor moved that the motion of Senator Smith of Kern that the vote whereby Assembly Constitutional Amendment No. 28—A resolution proposing to the people of the State of California amendments to the Constitution of the State, amending Article XX by adding thereto two new sections, to be known as Sections 21 and 22, relating to a State commission to have charge, in certain respects, of railroads, transportation companies, common carriers, banks, insurance companies, water, gas, and electric light and power, telephone companies, telegraph companies, and sleeping-car companies, and express companies, and of certain services and commodities, howsoever supplied to the public, and regulations concerning the same, and repealing certain present constitutional provisions relative to the same subject—was on a previous day adopted, be reconsidered, be postponed until Friday, March 15, 1901, at three o'clock and thirty minutes P. M.

Senator Cutter moved, as an amendment, that the vote whereby the constitutional amendment was adopted be now reconsidered.

POINT OF ORDER.

Senator Smith of Kern raised the point of order that the motion of Senator Cutter was not an amendment to Senator Taylor's motion to postpone.

The President declared the point of order well taken.

The question then being on the motion to postpone.

The ayes and noes were demanded by Senators Taylor, Wolfe, and Oneal.

The roll was called.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Smith of Kern moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Oneal, Selvage, and Bettman.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Caldwell, Currier, Curtin, Davis, Flint, Goad, Lardner, Luchsinger, Lukens, Muentner, Rowell, Sims, Smith of Kern, and Taylor—15.
NOES—Senators Bettman, Byrnes, Cutter, Devlin, Greenwell, Hoey, Leavitt, Maggard, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—20.

Whereupon the President announced that the motion to postpone was lost by the following vote:

AYES—Senators Belshaw, Caldwell, Currier, Curtin, Davis, Flint, Goad, Lardner, Luchsinger, Lukens, Muentner, Rowell, Sims, Smith of Kern, and Taylor—15.
NOES—Senators Bettman, Byrnes, Cutter, Devlin, Greenwell, Hoey, Laird, Leavitt, Maggard, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—21.

At three o'clock and forty-eight minutes P. M., Senator Rowell moved to take a recess until eight o'clock P. M. of this day.

The question being on the motion to take a recess.

The ayes and noes were demanded by Senators Leavitt, Shortridge, and Simpson.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Davis, Goad, Lardner, Luchsinger, Lukens, Muentner, Rowell, Sims, Smith of Kern, and Taylor—11.
NOES—Senators Bettman, Byrnes, Caldwell, Currier, Cutter, Devlin, Hoey, Laird, Leavitt, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—21.

The question then being on the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 28 was on a previous day adopted.

Senator Cutter moved to lay motion to reconsider on the table.

The question being on the motion to lay on the table.

The ayes and noes were demanded by Senators Smith of Kern, Oneal, and Tyrrell of San Francisco.

The roll was called, and motion carried by the following vote:

AYES—Senators Bettman, Cutter, Devlin, Greenwell, Hoey, Laird, Leavitt, Maggard, Nelson, Nutt, Oneal, Selvage, Shortridge, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—19.

NOES—Senators Belshaw, Byrnes, Caldwell, Currier, Curtin, Davis, Flint, Goad, Lardner, Luchsinger, Lukens, Muentner, Rowell, Sims, Smith of Kern, and Taylor—16.

TIME FOR CONSIDERATION OF ASSEMBLY BILLS CONTINUED.

At four o'clock P. M., Senator Belshaw moved to extend the time for consideration of urgency resolution and Assembly bills until five o'clock P. M.

Pending the question, Senator Lukens moved that the Senate take a recess until eight o'clock P. M.

Motion to take a recess lost.

The question being on the motion to extend time for consideration of Assembly bills.

The same was carried.

The question being on the adoption of the above urgency resolution, introduced by Senator Cutter.

The roll was called, and resolution lost by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Lardner, Luchsinger, Maggard, Nelson, Nutt, Pace, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—26.

NOES—Senators Devlin, Laird, Leavitt, Lukens, Muentner, Rowell, Sims, and Smith of Los Angeles—8.

SPECIAL ORDER RESET.

On motion of Senator Flint, consideration of the Governor's veto to Senate Bill No. 161, heretofore made special order for this hour, was postponed until Friday, March 15, 1901, at three o'clock and thirty minutes P. M., and was therefore made special order for that date and hour.

At four o'clock and ten minutes P. M., Senator Bettman moved that the Senate take a recess until eight o'clock P. M.

The question being on the motion to take a recess.

The ayes and noes were demanded by Senators Bettman, Davis, and Tyrrell of San Francisco.

The roll was called, and motion lost by the following vote:

AYES—Senators Bettman, Berlin, Hoey, Laird, Larimer, Leavitt, Lukens, Mazzard, O'neal, Pace, Simpson, Smith of Los Angeles, and Tyrrell of San Francisco—14.

NOES—Senators Brewster, Byrnes, Caldwell, Garrett, Jackson, Curtis, Gutter, Davis, Flint, Greenback, Hucab, Hoyer, Mendenhall, Nelson, Nott, Rowell, Selvaag, Shortridge, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—10.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Kern:

Resolved, That Assembly Bills Nos. 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, and 268 present cases of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

The question being on the adoption of the resolution.

POINT OF ORDER.

Senator Lukens raised the point of order that the resolution contained the numbers of several bills which had been included in an urgency resolution already submitted and lost.

The President declared the point of order well taken.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

On motion of Senator Taylor, the Senate proceeded with the consideration of Special File of Assembly Bills.

Assembly Constitutional Amendment No. 11—Proposing to the people of the State of California that a new section be added to the Constitution, to be known and designated as Section 87, Article II thereof.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 11 refused adoption by the following vote:

AYES—Senators Curtis, Pace, Sims, and Taylor—4.

NOES—Senators Brewster, Caldwell, Gutter, Gutter, Davis, Berlin, Flint, O'neal, Hoey, Laird, Larimer, Lukens, Mendenhall, Mazzard, Nelson, Nott, Rowell, Selvaag, Shortridge, Smith of Kern, Tyrrell of Nevada, and Welch—21.

Assembly Constitutional Amendment ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations.

During reading of constitutional amendment, the following amendment was offered by Senator Lukens:

Amend by adding on page one, Section 33, line five, after the word "gas," the words "railroad, street railroad, water, electric power, water power, and insurance."

Amendment lost.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 8 refused adoption by the following vote:

AYES—Senator Wolfe—1.

NOES—Senators Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, O Neal, Pace, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—30.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 277—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3½, relating to the levying and equalizing, and modifying, and reapportionment and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessments and reassessments, and against the improvements under said Act.

Read third time.

SPECIAL ORDER SET.

On motion of Senator Simpson, further consideration of Assembly Bill No. 277 was made special order for this day at eight o'clock P. M.

Senator Smith of Kern moved that all committees report back by Friday, March 15, 1901, all bills in their possession.

Motion lost.

Assembly Bill No. 576—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and concerning compensation of county and township officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Taylor, and Tyrrell of Nevada—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Davis:

Resolved, That the pay of "Assistant at the Desk" be allowed Amos Stevens from January 10, 1901, to and including March 16, 1901, for services rendered at Senate desk, in the sum of \$66 additional to pay received by him under the title of "Messenger to

Lieutenant-Governor J. H. Neff"—payable out of the Contingent Fund of the Senate. The Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Cutter:

Resolved, That Miss Katie Bentley be allowed pay as stenographer to the Committee on Finance for March 8 and 9, 1901, and the Controller is hereby directed to draw his warrant for \$10 in her favor to pay the same, payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON REVENUE AND TAXATION.

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR PRESIDENT: Your Committee on Revenue and Taxation, to whom was referred Senate Concurrent Resolution No. 22—Relative to the compilation, printing, and distribution of the laws governing private corporations, revenue, and elections.

Also: Senate Concurrent Resolution No. 23—Relative to the completion of the "Index to the Laws," from 1893 up to and including laws of the present session of the Legislature; also, relative to the compilation of all laws repealed or invalidated, indicating those laws now in force, and directing a report be made to the next session of the Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

ONEAL, Chairman.

SPECIAL ORDER SET.

On motion of Senator Selvage, consideration of Senate Concurrent Resolutions Nos. 22 and 23 was made special order for this day at eight o'clock P. M., to follow other special order at that hour.

Senate Concurrent Resolutions Nos. 22 and 23 ordered on file.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Oneal, his notice of motion to reconsider the vote whereby Assembly Bill No. 707—An Act to amend Section 3521 of the Political Code of the State of California, relating to the time when patents for State lands can be issued—was on a previous day refused passage, was postponed until next legislative day.

RECESS.

At the hour of five o'clock and five minutes P. M., on motion of Senator Laird, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—36.

Quorum present.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special orders heretofore set, being consideration of Assembly Bill No. 277 and Senate Concurrent Resolutions Nos. 22 and 23, having arrived, the same were taken up.

Assembly Bill No. 277—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 34, relating to the levying and equalizing and modifying, and reapportionment and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessments and reassessments, and against the improvements under said Act.

Read third time previously on this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 refused passage by the following vote:

AYES—Senators Belshaw, Caldwell, Currier, Davis, Hoey, Lukens, Pace, Selvage, Shortridge, and Taylor—10.

NOES—Senators Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Plunkett, Rowell, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Simpson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 277 was this day refused passage.

CONSIDERATION OF SPECIAL ORDERS—(RESUMED).

Senate Concurrent Resolution No. 22—Relative to the compilation, printing, and distribution of the laws governing private corporations, revenue, and elections.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 22 refused adoption by the following vote:

AYES—Senators Burnett, Byrnes, Currier, Curtin, Nutt, Shortridge, and Wolfe—7.

NOES—Senators Belshaw, Bettman, Caldwell, Corlett, Davis, Flint, Goad, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Plunkett, Selvage, Sims, and Smith of Kern—17.

SENATE CONCURRENT RESOLUTION No. 23.

Relative to the completion of the "Index to the Laws" from 1893 up to and including laws of the present session of the Legislature; also, relative to the compilation of all laws repealed or invalidated, indicating those laws now in force, and directing a report to be made to the next session of the Legislature.

Resolved by the Senate of the State of California, the Assembly concurring. That the Commissioners for the Revision and Reform of the Law examine, designate, and report to the next session of the Legislature a completion of the "Index to the Laws" from eighteen hundred and ninety-three up to and including laws of the present session of the Legislature, and also designate and report separately all laws repealed or invalidated from any reason, and so as to indicate as correctly as possible those laws remaining in force.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 23 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Hoey, Lardner, Luchsinger, Lukens, Nutt, Plunkett, Selvage, Shortridge Sims, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—24.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Bettman gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 766—An Act to amend Section 1665, and to repeal Section 1666, of the Political Code of the State of California, relating to the course of study for the public schools of this State—was this day refused passage.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of committee of free conference was received and read:

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—report that we have met a like committee of the Assembly, consisting of Assemblymen Johnson, Gans, and Savage, and we report that the free conference committee agreed upon and recommend that the Senate concur in the Assembly amendments thereto, with the exception of the following:

1. That portion of the Assembly amendment to Section 2 relating to the Tenth Assembly District, being subdivision ten.
2. That portion of the Assembly amendment to Section 2 relating to the Eleventh Assembly District, being subdivision eleven.
3. That portion of the Assembly amendment to Section 2 relating to the Fifty-eighth Assembly District, being subdivision fifty-eight.
4. That portion of the Assembly amendment to Section 2 relating to the Fifty-ninth Assembly District, being subdivision fifty-nine.

Your committee further recommend that the following amendments be made to Section 2:

1. That subdivision ten of Section 2 be amended to read as follows:
"10. The counties of Placer and El Dorado shall constitute the Tenth Assembly District."
2. That subdivision eleven of Section 2 be amended to read as follows:
"11. The counties of Amador, Calaveras, Alpine, and Mono shall constitute the Eleventh Assembly District."
3. That subdivision fifty-eight of Section 2 be amended to read as follows:
"58. The County of San Benito shall constitute the Fifty-eighth Assembly District."
4. That subdivision fifty-nine of Section 2 be amended to read as follows:
"59. The County of Monterey shall constitute the Fifty-ninth Assembly District."

Respectfully submitted.

CUTTER,
LEAVITT,
ROWELL,

Senate Free Conference Committee.

The question being on the adoption of the same.

The roll was called, and report adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—22.
NOES—None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 218—An Act to pay the claim of C. B. Lightfoot against the State of California, and

making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation.

S. C. SMITH, Chairman.

Assembly Bill No. 218 ordered on file for second reading.

CONSIDERATION OF SPECIAL FILE-OF ASSEMBLY BILLS, ETC.

On motion of Senator Leavitt, the Senate proceeded to consider the Special File of Assembly Bills.

Assembly Bill No. 850—An Act to amend Section 531 of the Political Code of the State of California, relative to the duties and qualifications of the Superintendent of State Printing of said State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 850 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Davis, Flint, Goad, Hoey, Luchsinger, Lucksinger, Lukens, Nelson, Nutt, Plunkett, Selvage, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 77—An Act to amend Sections 1136 and 1137 of the Penal Code.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 77 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Hoey, Luchsinger, Lukens, Maggard, Nutt, Pace, Rowell, Selvage, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 72—An Act to amend Section 1665 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

Read third time.

The question being on the passage of the bill.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Davis moved a call of the Senate.

Motion lost.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 72 was finally passed by the following vote:

AYES—Senators Bettman, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Hoey, Luchsinger, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—23.

NOES—Senators Belshaw, Byrnes, Devlin, Leavitt, Lukens, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 58—An Act to amend Section 61 of the Civil Code, relating to the granting of divorces.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Wolfe, Tyrrell of San Francisco, and Bettman.

The roll was called, and motion lost by the following vote:

AYES—Senators Bettman, Curtin, Hoey, Leavitt, Shortridge, Sims, and Tyrrell of San Francisco—7.

NOES—Senators Belshaw, Byrnes, Corlett, Currier, Cutter, Devlin, Flint, Goad, Lukens, Nelson, Nutt, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, and Wolfe—16.

Whereupon the President pro tem. announced that Assembly Bill No. 58 was refused passage by the following vote:

AYES—Senators Bettman, Byrnes, Currier, Curtin, Hoey, Leavitt, Selvage, Shortridge, Simpson, Sims, and Tyrrell of San Francisco—11.

NOES—Senators Belshaw, Corlett, Cutter, Davis, Devlin, Flint, Goad, Lukens, Nelson, Nutt, Pace, Rowell, Smith of Kern, Smith of Los Angeles, Taylor, and Wolfe—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 58 was this day refused passage.

Assembly Bill No. 880—An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 880 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Leavitt, Luchsinger, Nelson, Nutt, Pace, Plinkett, Rowell, Selvage, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—24.

NOES—Senator Sims—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER POSTPONED.

On motion of Senator Davis, the notice of motion given by Senator Simpson on a previous day to reconsider the vote whereby Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal—was on a previous day refused adoption, was postponed until Friday, March 15, 1901.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS, ETC.—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Relative to thanking Mrs. Phœbe A. Hearst.

WHEREAS, By the recent conveyance to the University of California of a girls' gymnasium, fully equipped, together with the land belonging thereto, Mrs. Phœbe A. Hearst has again given public evidence of her devotion to the interests of our State University; and

WHEREAS, The people of the State of California are under great and many obligations to the above-named donor for former expenditures of money for the permanent benefit of that institution, the good of its students, and the cause of education in general; and

WHEREAS, All loyal, progressive citizens of the State feel under special indebtedness to her for the procurement of the splendid architectural plans under which all permanent improvements at Berkeley will be carried on in the future, and which, when completed, will redound to the lasting glory of our State; therefore, be it

Resolved by the Assembly, the Senate concurring, That the thanks of the people of the State of California are hereby extended to Mrs. Phœbe A. Hearst for her philanthropy to deserving students, her unostentatious generosity and her loving loyalty to our State in thus aiding one of its greatest institutions, and with the thanks give an assurance that her beneficence and public-spiritedness are highly and sincerely appreciated; be it further

Resolved, That the Secretary of State is hereby directed to have prepared and forwarded to her an engrossed copy of these resolutions.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Currier, Cutter, Davis, Flint, Goad, Hoey, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—24.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Assembly Bill No. 832—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and all Acts supplementary thereto or amendatory thereof, including an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 740—An Act to regulate the practice of architecture.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 67—An Act to amend "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 363—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of Boards of Trustees of cities of the fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 178—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 393—An Act to amend Section 612 of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872.

During second reading of bill, the following amendments were offered:
By Senator Belshaw:

Amend by striking out of the title the figures "31," and inserting in lieu thereof the figures "21."

Amendment adopted.

By Senator Bettman:

Amend by inserting after the enacting clause the word and figure "Section 1."

Amendment adopted.

Also:

Amend by striking out the word "Section" before the number "612," in line three, Section 1.

Amendment adopted.

Also:

Amend by striking out the word "Section" before the number "616," page one, printed bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 250—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Assembly Constitutional Amendment No. 9 is ratified by the people.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after Section 1, page two of printed bill, the following:

"SEC. 2. No one shall be eligible to the office of Justice of a District Court of Appeal unless he shall have been admitted to practice before the Supreme Court of this State."

Amendment adopted.

AMENDMENT No. 2.

Amend by sectionizing Section 2 of printed bill so that it will read "SEC. 3."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 330—An Act to amend Sections 4, 5, and 8 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties, in the State.'"

During second reading of bill, the following amendments were offered by Senator Lukens:

Amend by inserting on page one, title, after figure "(8)" the words and figures "and twelve (12)."

Amendment adopted.

Also:

Amend on page seven, Section 4, line one hundred and eighty-eight, by inserting the following, and renumber sections following section twelve, as amended, so as to read as follows:

"Section 12. This Act shall be binding (1) upon those public school teachers, and such officers of the school department, possessing teachers' certificates, as are mentioned in subdivision four of section twelve as amended in section five of this Act, who, after the passage of this Act, shall sign and deliver to the Public School Teachers' Retirement Fund Commissioners, and to the secretary of the Board of Education of the

incorporated city or town, or consolidated city and county, or to the clerk of the Board of Trustees of the school district in which they are employed, a notice in substantially the following form:

“_____, _____, 19—,
(residence) (date)

“To the Public School Teachers' Annuity and Retirement Fund (Commissioners of _____ county (or city and county):

“You are hereby notified that I agree to be bound by, and desire to avail myself of, the provisions of the Act of the Legislature of the State of California, approved March twenty-sixth, eighteen hundred and ninety-five, entitled ‘An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State’ as amended by an Act approved March twenty-nine, eighteen hundred and ninety-seven, entitled ‘An Act to amend an Act approved March twenty-six, eighteen hundred and ninety-five, entitled ‘An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties, in the State, as amended by an Act approved _____, nineteen hundred and one, entitled ‘An Act to amend sections four (4), five (5), eight (8), ten (10), and twelve (12) of an Act approved March twenty-nine, eighteen hundred and ninety-seven, entitled ‘An Act to amend an Act approved March twenty-six, eighteen hundred and ninety-five, entitled ‘An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties in the State.’

“_____”
“Public school teacher.”

And provided, that at least thirty teachers within the county, or consolidated city and county, have filed the notice hereinbefore set forth; *provided further*, that in all counties, or in consolidated cities and counties, where there is a less number of teachers than thirty, this Act shall be binding on all those who signify their intention of being bound thereby; *provided further*, that no teacher shall be entitled to any benefits under this Act who is employed in the public schools of this State at the date of the passage of this Act and who is eligible to become a contributor to said fund and who is able to become a contributor to said fund and who fails to give such notice within ninety days after the passage of this Act. (2) In consolidated cities and counties it shall be binding upon all teachers elected or appointed to teach in the public schools of such consolidated cities and counties after the passage of this Act. (3) Teachers receiving annuities under the provisions of the Act of which this Act is amendatory shall be subject to the provisions of this Act. (4) Any teacher who shall leave or who at the passage of this Act has left his position or employment as teacher in the public schools of this State to accept the office of superintendent of a city or county or city and county of this State or the office of deputy of any one of such superintendents or to accept a membership in a Board of Education of a city or county, and who shall continue during the occupancy of such office to hold a valid certificate or diploma to teach in the public schools of this State, shall remain and is within the meaning, intent, and purpose of this Act a teacher of the county or city and county wherein he holds such office and the services he has rendered or may render in any one or more of such offices shall be held and considered and for the purposes of this Act are equivalent to the same length of time of actual teaching in the public schools of this State; and such a teacher, who has heretofore or may hereafter assume the burdens of this Act, may be retired from any one of such offices in the same manner as if he were actually teaching, and shall be so retired in the same class in which he would have been retired under this Act and the Act of which this Act is amendatory if he had continued in the same position or employment which last he left to enter into such offices. No teacher occupying one of the offices mentioned in this subdivision shall be entitled to participate in the benefits of this Act and the Act of which this Act is amendatory unless during all the time he occupies such office or offices he pays into the Annuity and Retirement Fund of the county where he first assumed the burdens of this Act and the Act of which this Act is amendatory the sum of one dollar per month.

“SEC. 5. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

“SEC. 6. This Act shall take effect and be in force from and after its passage.”

Amendment adopted.

Also:

On page 7, Section 3, to line eighty-six add the following: “City Treasurers are hereby directed to pay into the Teachers' Annuity and Retirement Fund the contributions of teachers and school officers where salaries are paid through City Treasurers, in the same manner as provided in the Act of which this Act is amendatory, to be paid by the Treasurer of a county, or a consolidated city and county.”

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 267—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 302—An Act to add a new section to the Penal Code, to be known as Section 625½, in relation to the plugging of water producing wells made in territory producing oil.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 681—An Act to promote the horticultural interests of the State by providing county boards of horticultural commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," approved March 31, 1897.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 706—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793, of the Political Code of the State of California, relating to public schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 270—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to justices of the peace in townships.

During second reading of bill, the following amendment was offered by Senator Taylor:

Amend as follows: Strike out the word "representing" in the enacting clause, and insert in lieu thereof the word "represented."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 773—An Act to change and permanently locate the boundary line between the counties of Del Norte and Siskiyou.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 218—An Act to pay the claim of C. B. Lightfoot against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 815—An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, which new section shall be designated 214½; being a section creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 40—An Act to remove clouds upon the title to certain lands in the State of California.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS.

Senate Bill No. 597—An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend Section 1, line one, to read: "Five thousand (\$5,000.00) dollars, instead of six thousand (\$6,000.00) dollars."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding the following: "or so much thereof as may be necessary." after the word "dollars," in line one, Section 1, first page of printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At eleven o'clock and twenty-two minutes P. M., on motion of Senator Sims, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 15, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Cutter, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—25.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Thursday, March 14, 1901, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, March 11, 1901, having been previously read and corrected, was approved.

PRESENTATION OF PETITION.

The following petition was received by the President of the Senate, Hon. Jacob H. Neff, and ordered printed in the Journal:

WHEREAS, The committee appointed by the Senate at the thirty-second session of the Legislature to make an examination of State institutions, in referring to the Board of State Harbor Commissioners, reports: "There is no occasion whatever for a superintendent of the (Ferry) building, except to give some one a place, the law placing the superintendency of that building in the Chief Wharfinger"; and

WHEREAS, The commission now has a man on its payroll at \$100 per month as superintendent of the Ferry building; and

WHEREAS, This Senate report further says: "There is no occasion for the employment of any police force by the Harbor Commission in the City of San Francisco, as it is the duty of the city and its police department to take care of all property within the city, and there is no authority of law and no necessity, so far as your committee can learn, for the maintenance of any such force"; and

WHEREAS, The commission now has in its employ two policemen at \$75 per month; and

WHEREAS, Said report further says: "Watchmen are maintained upon the wharves, which is an unnecessary expense, the claim being made that because the State does not insure its property, it becomes necessary to employ watchmen to guard it. Your committee is of the opinion that there is nothing substantial in this claim. On all the wharves occupied to any great extent by transportation companies they themselves keep a watchman for the protection of their own property, and certainly the State has no occasion to keep one itself under such circumstances, and there is no occasion for the employment of these watchmen that your committee is advised of"; and

WHEREAS, The commission now employs three watchmen at a salary of \$75 per month; and

WHEREAS, Howard C. Holmes, chief engineer of the commission, in his report to the board for the two fiscal years ending June 30, 1900, says: "In the years 1899 and 1900, the number of cars switched on the Belt Railroad were 48,600, at an actual cost of about \$1.25 per car, or at a loss of 50 cents per car for every car switched," thus showing a loss of over \$12,000 per annum in this one item alone; and,

WHEREAS, Grave charges of extravagance and unbusiness-like methods of management have been preferred against the Board of State Harbor Commissioners of San Francisco, not alone by the public press, but by reputable citizens, and the Chamber of Commerce of San Francisco; therefore, be it

Resolved by Progressive Grange No. 308 of the Order of Patrons of Husbandry. That we, the members of said grange, individually as taxpayers and citizens, and collectively as an organization, having the welfare of our State, and especially the agricultural interests thereof, at heart, do most earnestly, yet respectfully, request the Legislature of California at its present session to take some action looking toward the thorough and impartial investigation of the management of said commission, and we suggest that a hold-over committee be appointed for this purpose in order that it may make a complete examination of the affairs of the commission, and report to the next session of the Legislature. And we would suggest to the Legislature the advisability, in case such a committee is appointed, of placing men thereon of known integrity and ability (and we believe there are such among even our much-abused legislators), for we believe if an attempt is made to whitewash or smother this thing, the day will come when it will "smell to high heaven" and be investigated by "the people," and when that day comes woe betide the men and party who attempt to smother it; and be it further

Resolved, That a copy of this resolution, duly signed by the secretary of this grange, stamped with the seal thereof, and countersigned by the master, be forwarded to Hon. Mr. Coombs and our representatives in the State Legislature at Sacramento, with the request that they lay this matter before the Legislature and urge its investigation; and be it further

Resolved, That every subordinate grange in California be asked to urge their representatives in the Legislature to take similar action, inasmuch as this is a matter that touches the pockets of every producer in the State.

[SEAL.]

GEO. FARMER, Master.
EMA SPARKS, Secretary.

COMMUNICATIONS.

The following communications were received and read, and ordered printed in the Journal:

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES U. S., WASHINGTON, D. C., March 9, 1901.

To the Secretary of the Senate, and the Chief Clerk of the Assembly, Sacramento, Cal.:

GENTLEMEN: I have the honor, as chairman of the Ohio delegation in Congress, to inform you that we duly received the concurrent resolution of the California Legislature inviting us to visit California with the President of the United States. We held a meeting, and unanimously voted to accept your invitation, and to thank you most cordially for the generosity of the action of your Legislature. Whether we can make all things come about to go with the President is not yet determined, but we hope it will be in a few days, and when it is we will more fully communicate to you our action, and in the meantime, let me assure you of the high appreciation in which we hold the very generous invitation extended.

Yours truly,

C. H. GROSVENOR.

MARKET STREET AND EUREKA VALLEY IMPROVEMENT CLUB,
SAN FRANCISCO, March 13, 1901.

To the HON. J. H. NEFF, Lieutenant-Governor of California:

SIR: At a meeting of the Market Street and Eureka Valley Improvement Club, held this evening, a resolution was unanimously adopted urging the Legislature to pass a bill (similar to bills passed by other States) relative to the election of United States

Senators by the people. The bills are referred to in an article in to-day's issue of the "Examiner" of this city. I was instructed to communicate to you these facts, that you might place them before the State Senate.

Very respectfully,

WM. E. DUBOIS, Secretary of the Club.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Also: Amended, and passed as amended, Senate Bill No. 155—An Act making an appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Also: Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Also: Adopted Assembly Joint Resolution No. 16—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Also: Amended, and passed as amended, Senate Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b; to reenact Section 3859 of said code, and to amend Sections 3632, 3638, 3747, 3790, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, and to repeal Section 3640 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Also: Senate Bill No. 110—An Act to enforce the educational rights of children, and providing penalties for the violation of the Act.

Also: Passed Senate Bill No. 657—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally-enfeebled paralytics into said institution; to provide for the support of all the inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bill No. 471 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 110?"

Amend by inserting the word "wilfully" after the word "or," in line eighteen, page four of the printed bill.

Also: Amend by striking out the word "two," in line nine, Section 6, page four, printed bill, and inserting in lieu thereof the word "four."

Also: Amend by inserting the word "wilfully" before the word "tardy," in line nine, Section 6, page four, printed bill.

Also: Amend by striking out the word "three," in line ten, Section 6, page four, printed bill, and inserting in lieu thereof the word "six."

Also: Amend by inserting after the word "year," in line fifteen, page four of the printed bill, the following: "the arrests being approved by the aforesaid school authorities."

Also: Amend Section 5, page four, by striking out the word "arrest," in its several tenses, wherever the said word occurs in said Section 5, and inserting in lieu thereof the word "apprehend," in the corresponding tenses, to wit:

1. Strike out the word "arrest" from line two, and insert the word "apprehend."

2. Strike out the word "arrested" from line six, and insert the word "apprehended."

3. Strike out the word "arrest" from line twelve, and insert the word "apprehension."

4. Strike out the word "arrested" from line fifteen, and insert the word "apprehend."

5. Strike out the word "arrested" from line sixteen, and insert the word "apprehend."

Also: Amend Committee Amendment No. 5 by striking out the word "arrests," and inserting in lieu thereof the word "apprehensions."

The roll was called, and Assembly amendments to Senate Bill No. 110 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selva, Smith of Kern, Smith of Los Angeles, and Taylor—23.

NOES—None.

Senate Bill No. 110 ordered to enrollment.

Senate Bill No. 657 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 155?"

AMENDMENT No. 1.

Amend by striking out the word "fiftieth," in line five, Section 1, first page, printed bill, and inserting in lieu thereof the word "fifty-second."

AMENDMENT No. 2.

Amend by striking out the words "fifty-one and seventy-five one hundredths," in lines one and two, Section 1, first page, printed bill, and inserting in lieu thereof the words "and fifteen and fifty-five one hundredths."

AMENDMENT No. 3.

Amend by striking out the word "fiftieth," in line four of title, first page, printed bill, and inserting in lieu thereof the word "fifty-second."

The roll was called, and Assembly amendments to Senate Bill No. 115 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Leavitt, Luchsinger, Lukens, Muggard, Muenster, Nelson, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, and Taylor—24.

NOES—None.

Senate Bill No. 155 ordered to enrollment.

Senator Lukens moved that Assembly amendments to Senate Bill No. 650 be divided.

The question then being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 650?"

Amend by striking out of Section 170, line thirty-one, the period after the word "annum," and inserting a comma and the following: "and actual traveling expenses when visiting the schools of his county."

Also: Amend by striking out of Section 170, lines twenty-two, twenty-three, twenty-four, and twenty-five the words "and an assistant district attorney, when the Board of Supervisors deem necessary, said assistant to be appointed by the District Attorney, and at a salary to be fixed by the Board of Supervisors," and inserting after the word "annum," in line twenty-one of said section, a period in place of the comma.

Also: Amend by striking out of Section 170, line sixty-five, the words "herein provided for," and inserting the following: "as provided in Section 215 of the County Government Act, approved 1897, wherein it provides certain fees and commissions for the Assessor and License Collector."

Also: Amend by striking out of subdivision thirteen, line sixty-seven, page thirty-eight, the word "eighty," and inserting the word "ninety."

Also: Amend by striking out of subdivision fourteen, line seventy-six, page thirty-eight, the word "eighty," and inserting the word "ninety."

Also: Amend by adding the following after Section 12: "The provisions of this section shall take effect thirty days after the passage of this Act."

Also: In line nine, page one hundred and thirty-five of printed bill, strike out the word "fifteen," and insert therefor the word "eighteen."

Also: In line eleven of same page strike out the word "twelve," and insert in lieu thereof the word "fifteen."

Also: In line twelve, page one hundred and thirty-five, strike out the word "twelve," and insert therefor the word "fifteen."

Also: In line thirteen, page one hundred and thirty-five, strike out the word "twelve," and insert therefor the word "fifteen."

Also: In line fourteen, page one hundred and thirty-five, strike out the word "seven," and insert in lieu thereof the word "ten."

Also: In line fifteen, page one hundred and thirty-five, strike out the word "eighteen," and insert therefor the word "twenty-five."

Also: In line sixteen, page one hundred and thirty-five, strike out the word "fifteen," and insert therefor the word "eighteen."

Also: In line twenty-one, page one hundred and thirty-five, strike out the word "nine," and insert therefor the word "ten."

Also: In line forty-two, page one hundred and thirty-six, strike out the word "fifty," and insert therefor the words "one hundred."

Also: Strike out all of subdivision fifteen, page one hundred and thirty-five, and insert in lieu thereof the following: "Each member of the Board of Supervisors six hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residences to the county seat, not more than once each month."

Also: Amend by striking out of Section 28, line ten, the word "twenty-four," and insert the words "three thousand" in lieu thereof.

Also: Strike out the word "eighteen," in line twelve, and insert in lieu thereof the words "two thousand."

Also: Strike out the words "nine hundred," in line thirteen, and insert in lieu thereof the words "one thousand."

Also: Strike out in lines forty-five and forty-six the word "seventy-five," and insert in lieu thereof the words "one hundred."

Also: Amend by striking out of Section 24, line fifty-five, page seventy-three, the word "twelve," and inserting in lieu thereof the word "fifteen."

Also: Amend by striking out of Section 24, line thirty-two, page seventy-two, the word "change," and inserting the word "charge."

Also: Amend by inserting after line eighty-six, page forty-four thereof, the following: "18. Each member of the Board of Education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said Board of Education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the Superintendent of Schools. Claims of such service and mileage shall be presented to the Board of Supervisors, and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of the members of the County Board of Education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code."

Also: Amend by striking out of Section 11, line one hundred and thirteen, page thirty-six, the word "three," and inserting the word "four."

Also: Amend by striking out of Section 29, page eighty-seven, printed bill, in lines nine and ten, the words "and twelve and one half cents for each elector registered."

Also: Amend by adding in Section 29, line fourteen, page eighty-seven, after the word "recorded," the following: "provided, that the six cents per folio for recording shall go into effect immediately."

Also: Amend by adding to Section 29, line twenty, page eighty-seven, after the word "annum," the following: "provided, that the salary for the deputy shall take effect immediately."

Also: Amend by striking out of Section 29, line forty-one, page eighty-eight, the word "eight," and inserting in lieu thereof the word "five."

Also: Amend by striking out of Section 7, line three hundred and forty-three, the word "Act," between the words "this" and "shall."

Also: Amend by striking out of Section 8, line fifty-three, the word "first" after the word "January," and inserting between the words "to" and "January," in said line fifty-three, "twelve o'clock meridian on the first Monday after the first day of January."

Also: Amend Section 8, line one hundred and seventy-one, by inserting the word "verified" between the words "a" and "statement."

Also: Amend by striking out of Section 21, line ninety-three, the word "Act" between the words "this" and "so," and inserting the word "section."

Also: Amend by striking out of Section 34, line one hundred and forty, the word "Act" between the words "this" and "shall," and inserting the word "section."

Also: Amend by striking out of Section 38, line one hundred and forty, the words "nineteen of this Act," and inserting before the word "section" the word "this."

Also: Amend by striking out of Section 43, line one hundred and twenty-nine, the word "Act," and inserting the word "section."

Also: Amend by striking out of Section 55, line fifty-four, the word "Act," and inserting the word "section."

Also: Amend by striking out of Section 59, page one hundred and fifty-two, line one, *et seq.*, the word and figures "Sec. 59," and following down to and including the words "for any one district," lines eight and nine, same page.

Also: Amend Section 36 by adding thereto a new subdivision, to be known as subdivision fifteen, and to read as follows:

"15. The official reporter of the Superior Court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and fifty dollars, payable out of the county treasury at the same time and in the same manner and from the same fund as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of fifteen cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the Board of Supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the Judge, by either party, or jointly by both parties, as the court may direct."

Also: Amend by adding on page forty, line twenty-one, printed bill, after the word "annum," the words "and five per cent on all licenses collected."

Also: Amend by striking out of Section 9, page twenty-seven, all of subdivision ten, and inserting the following: "The Coroner, such fees as are now or may hereafter be allowed by law."

Also: Strike out of page twenty-eight, subdivision eleven of Section 9, printed bill, the words "three hundred dollars per annum, and."

Also: Amend Section 49 by inserting the following after subdivision fifteen:

"16. Each member of the Board of Education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting

of said board. The secretary of said Board of Education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the Superintendent of Schools. Claims of such service and mileage shall be presented to the Board of Supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the County Board of Education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code."

Also: On page ninety-five, line fourteen, subdivision three, strike out the word "eight," and insert in lieu thereof the word "seven."

Also: In line sixteen, subdivision four, strike out the word "two," and insert in lieu thereof the word "one."

Also: In line eighteen, subdivision five, strike out the words "two thousand," and insert in lieu thereof the words "eighteen hundred."

Also: Strike out all of subdivision fifteen, and insert the following:

"15. Each Supervisor, five dollars per day when the board is in session, not exceeding five hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session, and unless otherwise provided by law when serving as Road Commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such Road Commissioner."

Also: Amend by striking out of Section 36, line sixty-eight, the words "to court or."

Also: By inserting in line ninety-six the word "and" before the word "fifteen."

Also: By striking out of line ninety-seven the words "and sixteen."

Also: Amend by striking out Section 49, and inserting the following:

"Sec. 49. Section two hundred and two (202) of an Act entitled "An Act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, is hereby amended to read as follows:

"Section 202. In counties of the forty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

"1. The County Clerk, thirteen hundred dollars per annum.

"2. The Sheriff, twenty-four hundred dollars per annum and the fees or commissions for service of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county, issued by a magistrate or court within his county.

"3. The Recorder, thirteen hundred dollars per annum.

"4. The Auditor, seven hundred dollars per annum.

"5. The Treasurer, one thousand dollars per annum.

"6. The Tax Collector, five hundred dollars per annum.

"7. The Assessor, fifteen hundred dollars per annum.

"8. The District Attorney, one thousand dollars per annum.

"9. The Coroner, such fees as are now or may be hereafter allowed by law.

"10. The Public Administrator, such fees as are now or may be hereafter allowed by law.

"11. The Superintendent of Schools, eight hundred dollars per annum, and actual and necessary traveling expenses when visiting schools of his county.

"12. The Surveyor, such fees as are now or may be hereafter allowed by law.

"13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.

"14. Constables, such fees as are now or may be hereafter allowed by law.

"15. Each member of the Board of Supervisors, four dollars a day when the board is in session, and ten cents a mile, in going only, for traveling from his residence to the county seat, and actual and necessary expenses; provided, he shall not in any one year receive more than three hundred dollars as Supervisor, exclusive of mileage, nor more than two hundred dollars as Road Commissioner, exclusive of traveling expenses."

Also: Amend by striking out of Section 49 the comma after the words "county seat," in subdivision fifteen, and inserting in lieu thereof a semicolon and the following words: "and when serving as Road Commissioner, three dollars per day."

Also: Amend by striking out of Section 8, subdivision eight, line one hundred and fifty-four, page twenty-two, the word "second."

Also: Amend in Section 8, subdivision three, line seventy-seven, page twenty of printed bill, after the word "index" strike out the word "clerk," and insert in lieu thereof the word "deputy."

Also: Amend in Section 8, subdivision three, line eighty-two, page twenty of printed bill, after the word "index" strike out the word "clerk," and insert in lieu thereof the word "deputy."

Also: Amend by striking out the period after the word "annum," on page sixty-nine, Section 23 line thirty-one, and inserting in lieu thereof the following: "provided that the bond of the Treasurer shall be executed with a reliable bond and security company, and that the cost of said bond, when duly approved, shall be a charge against the county, and payable out of the general fund."

Also: Amend Section 31 of the printed bill by inserting after the word "subdivisions," in line ninety-three, page ninety-two, the word "thirteen."

Also: Amend by striking out of Section 8, subdivision sixteen, line two hundred and ninety-seven, page twenty-six, after the word "month" the following: "This Act, so far as it relates to counties of the third class, shall take effect immediately as to the Justices of the Peace and Constables, but shall not affect the compensation of other officers during the present term of office."

Also: In Section 8, subdivision seventeen, page twenty-six, line three hundred and nineteen of printed bill, after the word "treasury" insert the following: "This Act, so far as it relates to counties of the third class, shall take effect immediately as to Justices of the Peace, Constables, and official reporters, but shall not affect the compensation of other officers during the present term of office."

Also: Amend Section 8, line one hundred and seventy-one, printed bill, by inserting after the words "County Auditor a" the word "verified."

Also: Amend by striking out on page ninety-four, Section 186, line ten, subdivision one of printed bill, the words "three thousand," and inserting in lieu thereof the words "twenty-eight hundred."

Also: Amend by inserting in line two hundred and fifteen, page fourteen, after the word "deputy" the following: "one clerk."

Also: Amend by inserting after the word "assistant," in line two hundred and twenty, page fourteen, the word "clerk."

Also: Amend by striking out of Section 7, line three hundred and forty-three, page eighteen of the printed bill, the word "Act," and inserting in lieu thereof the word "section."

Also: Amend Section 7, line two hundred and twenty-eight, page fifteen, by adding the letter "s" to the word "officer" in said line twenty-two.

Also: Amend by striking out of Section 7, lines one hundred and thirty-five and one hundred and thirty-six, page twelve, the words "two deputies, at a salary of one hundred dollars each per month," and inserting in lieu thereof the following: "One deputy, at a salary of one hundred and twenty-five dollars per month; one deputy, at a salary of one hundred dollars per month."

Also: Amend by adding after subdivision twelve, and after line two hundred and thirty-one, Section 7, page fifteen, a new subdivision, to be numbered "twelve and one-half," as follows:

"12½. Each member of the County Board of Education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the Board of Education shall be payable monthly and out of the same funds and in the same manner as the salary of the County Superintendent of Schools is paid. Said compensation shall be in full payment for all services rendered."

The roll was called, and above Assembly amendments to Senate Bill No. 650 concurred in by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Pace, Plunkett, Rowell, Simpson, Smith of Kern, Tyrrell of Nevada, and Wolfe—25.

NOES—None.

EXPLANATION OF VOTE.

Senator Currier explained his vote as follows:

MR. SPEAKER: I concur in Assembly amendments to the County Government Act, but am emphatically against this bill, which raises the salaries and adds deputies in Los Angeles County which I believe the taxpayers do not want.

The question then being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 650?"

Amend by striking out of Section 15, page forty-six, line sixty-nine, the word "ninety," and inserting the words "one hundred."

Also: On page forty-seven, Section 15, line ninety, strike out the word "eighty-five," and insert the words "one hundred."

Also: Amend by striking out of Section 43 all of line ninety-six after the word "month."

Also: Strike out from line ninety-six, same page, the word "ten," and insert the word "twenty" in lieu thereof.

Also: Amend by striking out of Section 44, page one hundred and twenty-nine of printed bill, subdivision sixteen thereof.

Also: Amend by inserting in Section 26, line one hundred and ninety-five, the word "twenty-six."

Also: Amend by inserting in line one hundred and ninety-eight, the word "twenty-six," after the word "section."

Also: Amend by inserting in Section 26, after line twenty-six, the words "provided, that the amount paid for services of deputy assessors shall not exceed twenty-four hundred dollars in any one year."

Also: Amend by striking out of Section 52, line ten, page one hundred and forty-one, the words "eight hundred," and inserting the words "one thousand."

Also: Strike out of line eleven, same section, the words "four hundred," and insert the words "five hundred."

Also: Strike out of lines thirty-three and thirty-four, page one hundred and forty-two, the words "provided, however," and insert the words "it is further provided."

Also: Amend by striking out of Section 15, page one hundred and twenty-seven, all after the word "month," in line twenty-six.

Also: On page one hundred and twenty-seven, line ninety-six, strike out the word "ten," and insert in lieu thereof the word "twenty."

Also: Amend by striking out of Section 10, line ten, the word "nine," and inserting in lieu thereof the word "twelve."

Also: Amend Section 10, page thirty-one, line sixty-two, after the word "law," by adding the following: "provided, the Coroner, or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his directions, and may employ a clerk or stenographer for such purpose at the same compensation allowed to stenographers in the Superior Court of the county, and, when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witnesses."

Also: Amend Section 10 by inserting after the word "law," in line seventy-eight, page twenty-nine of the printed bill, the following: "except that the Justice of the Peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month in lieu of all fees in criminal cases, payable as the salaries of other county officers are paid."

Also: Amend by inserting after the word "law," in line eighty, page twenty-nine of the printed bill, the following: "except that the Constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each for all services in criminal cases, payable as the salaries of other county officers are paid."

Also: Amend Section 10 by striking out all of lines thirty-eight and thirty-nine of said section, page thirty-one of the printed bill, and inserting in lieu thereof the following:

"5. The Recorder, three thousand dollars per annum. The Recorder may appoint two deputies at a salary of twelve hundred dollars each per annum, and also one deputy at a salary of nine hundred dollars per annum; the salaries of such deputies to be paid at the same time and in the same manner county officers are paid."

"4. The Auditor, twenty-four hundred dollars per annum. The Auditor may appoint a deputy at a salary of twelve hundred dollars per annum; the salary of the deputy auditor to be paid at the same time and in the same manner county officers are paid."

Also: Amend Section 10 as follows: Strike out the words "so far as it relates to the services and compensation of official reporters," in lines one hundred and fifteen and one hundred and sixteen, page thirty-three of the printed bill.

Also: Amend by adding to Section 10, page thirty-three of the printed bill, after the word "passage," in line one hundred and seventeen, the following: "provided, that from and after the first Monday in January, nineteen hundred and three, the offices of Recorder and Auditor shall be separate, and shall not be consolidated by the Board of Supervisors."

Also: Amend by striking out of Section 32, line thirty-seven, printed bill, the words "twenty-four," and inserting the word "twenty."

Also: Amend by striking out of Section 32, lines thirty-five and thirty-six, printed bill, the words "criminal actions or proceedings other than felonies," and inserting the following: "prosecutions under section six hundred and forty-seven of the Penal Code and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad."

Also: Amend by inserting in Section 32, at the end of line thirty-seven, subdivision thirteen, the following: "provided further, that the amount allowed by the Board of Supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision shall not exceed the sum of thirty dollars for any one month."

Also: Amend by inserting after line sixty-seven, page thirty-one of printed bill, the following:

"Each member of the Board of Education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said Board of Education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the Superintendent of Schools. Claims of such service and mileage shall be presented to the Board of Supervisors, and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the County Board of Education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code."

Also: Amend Section 20 of Senate Bill No. 650 by inserting a new subdivision after line ninety-three, page sixty-two of the printed bill, to be known as subdivision seven-teen of Section 173, and to read as follows:

"17. In counties of this class, the official reporter of the Superior Court shall receive as full compensation for taking notes in criminal cases tried in said court a monthly

salary of eighty dollars, payable out of the county treasury of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription to be allowed on order of the court."

The roll was called, and the Senate refused to concur in above Assembly amendments to Senate Bill No. 650 by the following vote:

AYES—None.

NOES—Senators Belshaw, Burnett, Byrnes, Corlett, Curtin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Smith of Kern, and Taylor—21.

Senator Leavitt moved that Senate Bill No. 650, with the Assembly amendments thereto which the Senate on this day refused to concur in, be returned to the Assembly with an urgent request that it recede from the same; in case of refusal, the Assembly is respectfully petitioned to suspend their rules for the purpose of appointing a committee of free conference on said amended bill, to meet with a like committee from the Senate for the same purpose.

So ordered.

Assembly Joint Resolution No. 16 referred to Committee on Constitutional Amendments.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 331?"

AMENDMENT No. 1.

Amend the title by striking out the numbers "3629," "3649," and "3785."

AMENDMENT No. 2.

Amend the bill by striking out all of Sections 1, 4, and 6, and renumber Sections 1, 2, 3, 4, 5, 6, and renumber Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 so as to read: "7, 8, 9, 10, 11, 12, 13, 14, 15, 16."

The roll was called, and Assembly amendments to Senate Bill No. 331 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Goad, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Selvage, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—24.

NOES—None.

Senate Bill No. 331 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 58—An Act making an appropriation for the purchase and installment of improved machinery in the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 332—An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

Also: Senate Bill No. 606—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Also: Senate Bill No. 571—An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California.

Also: Senate Bill No. 290—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands.

Also: Senate Bill No. 555—An Act for removing obstructions in Pit River above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries, and making an appropriation therefor.

Also: Senate Bill No. 149—An Act to pay the claim of John P. Dulp against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 546—An Act to declare the Alturas and Lakeview Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Also: Senate Bill No. 631—An Act to amend Section 853 of the Political Code of this State, relating to absence of officers.

Also: Amended, and passed as amended, Senate Bill No. 343—An Act making an appropriation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, for the purchasing of the necessary machinery and equipment, and the construction of an ice-manufacturing plant and refrigerating room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Also: Passed Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

Also: Amended, and passed as amended, Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to saving and loan corporations.

Also: Concurred in Senate amendments to the following Assembly bills:

Assembly Bill No. 645—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended March 26, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation.

Assembly Bill No. 360—An Act to amend the Penal Code by adding a new section thereto, to be numbered Section 288, relating to crimes against children.

Assembly Bill No. 506—An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom.

Assembly Bill No. 826—An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou.

Assembly Bill No. 456—An Act to amend Section 4045 of the Political Code of the State of California, relating to the powers of Boards of Supervisors in their respective counties to impose a license tax, at a rate to be fixed annually by them, upon certain named persons, occupations, and business.

Assembly Bill No. 869—An Act to amend Section 490 of the Civil Code, relating to railroad fares and tickets.

Assembly Bill No. 793—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 58, 332, 606, 571, 290, 555, 149, 546, and 631 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 383?"

Amend by striking out the word "immediately," in line one, Section 3, first page, printed bill, and inserting in lieu thereof the words "from and after January first, nineteen hundred and two."

The roll was called, and Assembly amendment to Senate Bill No. 383 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Greenwell, Leavitt, Luchsinger, Lukens, Muenster, Nelson, Nutt, Rowell, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—22.

NOES—None.

Senate Bill No. 383 ordered to enrollment.

Senate Bill No. 556 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 215?"

Amend Section 1, subdivision six, line thirty-five, by inserting after the word "property" the words "and having their principal place of business."

Also: Amend by striking out of Section 1, subdivision six, line thirty-four, the words "and other quasi public," and inserting after the word "railroad" the words "or street railroad."

Also: Amend by striking out of Section 1, subdivision six, line thirty-three, the words "irrigation, sewer, or other."

Also: Amend by striking out of Section 1, subdivision four, line twenty, the word "five, and inserting the word "ten."

The roll was called, and Assembly amendments to Senate Bill No. 215 concurred in by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Currier, Davis, Flint, Greenwell, Hoey, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, and Taylor—21.

NOES—None.

Senate Bill No. 215 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON DRAINAGE.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your Committee on Drainage, to whom was referred Assembly Bill No. 702—An Act to amend Sections 3462 and 3463 of the Political Code—have had the same under consideration, and respectfully report the same back without recommendation.

MUENTER, Chairman.

Assembly Bill No. 702 ordered on file for second reading.

ON PRISONS.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your Committee on Prisons, to whom was referred Assembly Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Also: Assembly Bill No. 428—An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor, and secure an option of purchasing therefor, and submit sketch plans and specifications for said prison; and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of incorrigibles at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BELSHAW, Chairman.

Assembly Bills Nos. 408 and 428 ordered on file for second reading.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Davis asked for unanimous consent to withdraw Senate Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to Section 3 of Article XV of the Constitution of the State of California, relating to harbor fronts and tide-waters—heretofore made special order for this hour.

Consent granted.

Constitutional amendment withdrawn and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Nutt:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Nutt be and he is hereby permitted to introduce a bill, to be numbered 662.

The question being on the adoption of the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Smith of Kern, and Smith of Los Angeles—29.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Nutt: Senate Bill No. 662—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein.

Bill read first time, and ordered on file.

SPECIAL ORDER SET.

On motion of Senator Nutt, further consideration of Senate Bill No. 662 was made special order for this day at three o'clock and thirty minutes P. M.

WITHDRAWAL OF BILL.

Senator Smith of Kern asked for and was granted unanimous consent to withdraw Senate Bill No. 661—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Consent granted.

Bill withdrawn and ordered stricken from the file.

THIRD READING OF BILL.

Senate Bill No. 635—An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II of Title VI of Part III of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883, relating to the issuance and refunding of a bonded indebtedness of the county for the construction, maintenance, and repair of roads and the levying of taxes to pay the interest and redemption thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 635 passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Smith of Kern, and Smith of Los Angeles—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Smith of Los Angeles asked for unanimous consent to withdraw the following bills:

Senate Bill No. 519—An Act to provide for the purchase of sewing machines for replacing the sewing machines now worn out in the tailor

shop and girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 379—An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor.

Also: Senate Bill No. 633—An Act to amend Section 473 of the Civil Code of the State of California, relating to consolidation of railroad corporations.

Also: Senate Bill No. 107—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3½, relating to the levying and equalizing and modifying, and reapportionment and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessment and reassessments, and against the improvements under said Act.

Also: Senate Bill No. 599—An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor.

Also: Senate Bill No. 520—An Act to provide for the purchase and installation of additional bathtubs for the girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Also: Senate Bill No. 349—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts.

Consent granted.

Bills withdrawn and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Bettman:

Resolved, That Assembly Bill No. 583 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, and Welch—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 583—An Act to add a new section to the Political Code, to be known as Section 1778, relating to the granting and issuance of permanent certificates to teach in the several counties and cities and counties in the State.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 583 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Davis, Goad, Greenwell, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the Senate consider nothing but Assembly bills, Assembly amendments to Senate bills, motions and resolutions, and reports of committees from twelve o'clock M. to-day until the close of the session, except Senate Bill No. 662.

Resolution read, and referred to Committee on Rules.

By Senator Laird:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Laird be and he is hereby permitted to introduce a bill, to be numbered 663.

The question being on the adoption of the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Rowell, Smith of Kern, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—27.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Laird: Senate Bill No. 663—An Act to amend the Political Code by amending Section 343 thereof, and adding a new section thereto, to be numbered Section 644.

Bill read first time, and ordered on file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 13, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of F. J. Martin for \$100 for postage stamps, the same payable out of the appropriation for contingent expenses of the Senate, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of F. J. Brandon, Secretary of the Senate, for the sum of \$17.25, in payment of the following several bills, and the Treasurer is hereby directed to pay the same:

Sunset Telephone Co., repairs to phones.....	\$8 25
Geo. B. Katzenstein, rent of typewriters to March 17th.....	9 00

\$17 25

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nutt, Plunkett, Rowell, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Flint:

Resolved, That the Secretary of the Senate be and he is hereby directed and authorized to correct the approved Journals of the Senate beginning at the 12th day of February, 1901, and subsequent daily Journals in which any acts or proceedings concerning Senate Bill No. 138 are mentioned.

The question being on the adoption of the same.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Plunkett, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—30.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 597—An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor.

NELSON, Chairman.

Senate Bill No. 597 ordered on file.

CONSIDERATION OF SENATE SPECIAL FILE.

On motion of Senator Taylor, the Senate proceeded to consider the Senate Special File, commencing with the last number thereon.

Assembly Bill No. 871—An Act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1319, providing for a contest of a will and procedure therein by the Public Administrator in cases where, under the laws of the State of California, a tax upon inheritances would be paid if the decedent should be adjudged to have died intestate; also, providing the grounds upon which and the time in which such contest may be made, providing for payment of the expense of such contest, and for the administration of the estate in certain cases arising out of such contest; also, providing for the dismissal of such contest.

During second reading of bill, the following amendment was offered by Senator Wolfe:

Amend by properly sectionizing bill by inserting Section 1, on first page, line one, and Section 2, on second page, line thirty.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 318—An Act to assist the City and County of San Francisco in grading and making a cut through the hill on Folsom Street, in said city and county, between Ripley Street and Crescent Avenue, and making an appropriation therefor.

Passed on file.

Assembly Bill No. 546—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 546 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Pace, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice, and the practice of attorneys and counselors-at-law, in the courts of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 111 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Currier, Curtin, Cutter, Davis, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—24.

NOES—Senators Burnett, Byrnes, Corlett, Greenwell, Hoey, and Nelson—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 608—An Act to amend Sections 336, 337, and 339 of the Code of Civil Procedure of the State of California, relating to fixing the period of limitation of time for commencement of certain actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 608 refused passage by the following vote:

AYES—Senators Belshaw, Byrnes, Curtin, Davis, Flint, Goad, Greenwell, Laird, Luchsinger, Maggard, Nutt, Pace, Rowell, Shortridge, Simpson, Smith of Los Angeles, and Tyrrell of Nevada—17.

NOES—Senators Bettman, Burnett, Caldwell, Corlett, Hoey, Lardner, Lukens, Oneal, Plunkett, Sims, Smith of Kern, and Wolfe—12.

Assembly Bill No. 706—An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793, of the Political Code of the State of California, relating to public schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Currier, Curtin, Davis, Goad, Hoey, Lardner, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, and Taylor—22.

NOES—Senators Ashe, Bettman, Burnett, Greenwell, Laird, Leavitt, Nelson, Oneal, Plunkett, and Wolfe—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL ON FILE.

Senator Smith of Los Angeles asked unanimous consent to withdraw Senate Bill No. 517—An Act to provide for the purchase of library books, periodicals, and magazines for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same—and substitute therefor on file Assembly Bill No. 739.

Consent granted.

Senate Bill No. 517 withdrawn and Assembly Bill No. 739 substituted therefor on file.

Assembly Bill No. 739—An Act to provide for the purchase of livestock, vehicles, and farm equipments for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL ON FILE.

Senator Shortridge asked unanimous consent to withdraw Senate Bill No. 598—An Act to provide for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor—and substitute therefor on file Senate Bill No. 597.

Consent granted.

Senate Bill No. 598 withdrawn from file, and Senate Bill No. 597 substituted therefor on file.

Senate Bill No. 597—An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 597 passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Davis, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Simpson, Sims, Smith of Kern, and Tyrrell of San Francisco—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Leavitt:

Resolved, That A. L. Luce, Clerk of the Committee on Contingent Expenses, be employed after the final adjournment of the Senate to compile and have printed in the Senate History a classified and intelligent report of all business and disbursements

transacted by said committee, and that the sum of \$35 is hereby appropriated out of the Contingent Fund to pay for said work, and the Controller is hereby directed to draw his warrant for said sum of \$35, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Cutter:

Resolved, That J. L. Martin, Sergeant-at-Arms, be allowed to name one Assistant Sergeant-at-Arms and one Porter, who shall be allowed three days' pay for cleaning up subsequent to close of session, and the Controller is hereby directed to draw his warrants for the same, payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Luchsinger:

Resolved, That Wm. W. Martin be and he is hereby employed for one week after the final adjournment of this session of the Legislature, his work to be assigned by the Sergeant-at-Arms of the Senate, and the Controller is hereby authorized to draw his warrant for \$21 in favor of Wm. W. Martin, and the Treasurer is directed to pay the same, payable out of the fund for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Oneal:

Resolved, That M. Cherrie, Thomas Rea, John Lawless, and B. F. Gray be and are hereby employed for seven days after the adjournment of the thirty-fourth session of the Legislature, as Bill Clerks, at the same per diem received by them now for the same services, payable out of the fund for the contingent expenses of the Senate; and the Controller is hereby authorized to draw their warrants for the amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Sims:

Resolved, That the sum of \$75 be and the same is hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying Senators S. C. Smith, E. K. Taylor, and J. C. Sims, for traveling expenses, stationery, postage, and printing, incurred by them on the Special Committee on Municipal Taxation and Revenue, and the Controller is hereby authorized and directed to draw his warrant for the said amount in favor of Senator S. C. Smith, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Shortridge:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-fourth session, embracing a history of all bills introduced, their authors, the number that have become laws, those that have been read the second readings, and all other information that will create a perfect guide and history of the session's business. Together with this shall be the expenses of the Senate and Assembly, and of printing, such information being prepared not only for the public, but as a guide for the thirty-fifth session of the Legislature. For the purpose of carrying out this work, the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon, \$50 of which is to pay the postage and expenses in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

SECOND READING OF BILL.

Assembly Bill No. 694—An Act to provide for the location, construction, and maintenance of a State highway, connecting the highway system of Humboldt County with the highway system of Shasta County, and placing the same under the management and control of the Department of Highways, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILL.

Assembly Bill No. 681—An Act to promote the horticultural interests of the State by providing county boards of horticultural commissioners, and repealing an Act entitled "An Act to promote the horticultural

interests of the State by providing county boards of horticulture," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 681 finally passed by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Goad, Hoey, Leavitt, Maggard, Muentner, Oneal, Pace, Plunkett, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—21.

NOES—Senators Belshaw, Lardner, Luchsinger, Nutt, Rowell, and Taylor—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Currier, Curtin, Cutter, Davis, Flint, Greenwell, Laird, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Rowell, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Welch—22.

Quorum present.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Leavitt, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1901.

To the Senate of the State of California:

I have the honor to inform you that I have approved Senate Bill No. 637, entitled "An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor"; and No. 539, entitled "An Act to provide a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill"; and No. 310, entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California"; and No. 406, entitled "An Act to amend Section 1 of an Act entitled 'An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act,' approved March 31, 1897, by constituting Yolo and Sacramento counties the Fortieth District, Lake County the Twelfth District, and Mendocino the Forty-fifth District."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1901.

To the Senate of the State of California:

I herewith return to your honorable body without my approval Senate Bill No. 231, entitled "An Act to amend Section 412 of the Code of Civil Procedure, relating to service of summons by publication, and the taking of affidavits to be used in procuring the order for publication of summons."

Having approved Committee Substitute for Senate Bill No. 138, revising the Code of Civil Procedure, and the language of this proposed amendment being exactly the same as the revised Section 412 of said Committee Substitute, my approval of the present measure would be useless as well as unnecessary.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval Committee Substitute for Senate Bill No. 116, entitled "An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander."

While not disapproving of this bill on its merits, I respectfully call your attention to the erroneous numbering of this proposed new section of the Penal Code, it being numbered two hundred and fifty-eight, notwithstanding that there is now a section of said Penal Code of the same number relating to another subject; hence the present proposed section of the Penal Code should be designated by a different number.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 16, entitled "An Act providing for the acquisition, either by purchase or by the exercise of the power of eminent domain, of a certain small tract of land located in the midst of the grounds of the Veterans' Home at Yountville, in this State, and making an appropriation therefor."

This bill appropriates \$5,000 for the purchase of a narrow strip of land located in the grounds of the Veterans' Home, and now claimed as a right of way. In view of the many most urgent appropriations already passed for State institutions, aggregating a large sum, and of the large increase in the amounts required for the maintenance of the schools, and the orphans and half-orphans under the requirements of existing laws providing continued appropriations, I cannot at this time sanction this appropriation, for it is neither urgent nor absolutely necessary. The other more pressing demands of the State, as well as the requirements of economy, must oppose the loose policy of purchasing this year any additional property for State institutions. The Veterans' Home can get along very well for the next two years without exercising, at an expense to the State, the power of eminent domain over this strip of land. A State, like an individual, ought to satisfy the just claims of its creditors and provide for its necessities before making new purchases and venturing into new enterprises.

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval Senate Bill No. 620, entitled "An Act making an appropriation to pay the claim of the County of Marin against the State of California."

I regret being obliged again to refuse to approve this claim, but the principal objection remains, which I stated in my message to your honorable body on February 20, 1901, when disapproving Senate Bill No. 2. (See Senate Journal, February 20, 1901, page 17.) With the exception of the time when the appropriation becomes available, this bill is the same as Senate Bill No. 2. No facts have since been furnished to me which would give this claim a new aspect, and I have again made inquiry of the Secretary of the State Board of Examiners whether any data respecting this claim of the County of Marin had been filed in the office, and I received positive information that the claim had never been presented to the board by the State Prison Directors, or by the county, as required by law. Such presentation was necessary, inasmuch as the items of such accounts, after allowance by the State Prison Directors, and before payment out of the funds for the support of the State Prison, must be audited by the State Board of Examiners.

By Section 111 of the Penal Code, all claims of the nature of those which are the basis of this bill are to be paid out of the fund appropriated for the support of the State Prison only, and not out of the General Fund, as is here attempted. The County of Marin cannot claim to be exempted from the law which governs the County of Sacramento. Sacramento County has found no difficulty in having her claims allowed when presented in pursuance of the provisions of the general law upon this subject, and the claims of Marin County should certainly not prove an exception. While a general law exists concerning the payment of such claims, the passage of an Act excepting a particular county from the operation of that law and providing for payment of its claims in a different manner, and out of a different fund, would be a special law, and therefore unconstitutional and void.

In the General Appropriation Act, approved March 17, 1899, two hundred thousand dollars was appropriated for the support of the State Prison at San Quentin, and this claim, if the items be correct, are properly chargeable against this appropriation. If the items of the claim summed up in this bill be correct, and if they be presented in the

regular manner, I am satisfied they will be duly paid; but should any delay or obstacle be interposed, upon my attention being directed thereto, I will endeavor to secure speedy payment.

HENRY T. GAGE,
Governor of the State of California.

The question being, "Shall Senate Bill No. 231 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Bettman, Burnett, Corlett, Currier, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Rowell, Shortridge, Simpson, Taylor, Tyrrell of San Francisco, and Wolfe—23.

The question being, "Shall Senate Bill No. 16 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Taylor, and Wolfe—25.

The question being, "Shall Committee Substitute for Senate Bill No. 116 become a law notwithstanding the Governor's objection thereto?"

The roll was called, and the objection of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Simpson, Taylor, Tyrrell of Nevada, and Wolfe—22.

The question being, "Shall Senate Bill No. 620 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Belshaw and Davis—2.

NOES—Senators Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Simpson, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 392—An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State.

Senate Bill No. 415—An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections, and the plumbing and connections of the Napa State Hospital at Napa.

Senate Bill No. 656—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Senate Bill No. 432—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

Senate Bill No. 552—An Act creating the office of Game Commissioner, and defining his duties.

Substitute for Senate Bill No. 19—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Senate Bill No. 416—An Act appropriating money for the wiring of the Napa State Hospital building for electric lights.

Senate Bill No. 356—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Bateman Bros. for work performed in the construction of the Union Depot and Ferry House, in the City and County of San Francisco.

Senate Bill No. 518—An Act to provide for the building of a blacksmith shop, wood-working and carpenter shop, and for the necessary machinery for equipping and operating the same at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same.

Senate Bill No. 396—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water-front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1889, approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

Senate Bill No. 321—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Senate Bill No. 469—An Act to amend Section 110 of the Code of Civil Procedure of the State of California.

Senate Bill No. 224—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

Senate Bill No. 462—An Act to amend Section 2349 of the Political Code of the State of California, relating to public way.

Senate Bill No. 430—An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of clerks of said board.

Senate Bill No. 15—An Act to provide for the erection of a modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, and appropriating money therefor.

Substitute for Senate Bill No. 209—An Act to amend Section 11 of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Senate Bill No. 427—An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age.

Senate Bill No. 563—An Act to amend Section 2712 of the Political Code, relating to the construction, maintenance, and repairs of bridges and tunnels or the purchase of toll-roads.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 15th day of March, 1901, at ten o'clock and forty-five minutes A. M.

NELSON, Chairman

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Lukens:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Lukens be and he is hereby permitted to introduce a bill, to be numbered 664.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Oneal, Plunkett, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—30.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Lukens: Senate Bill No. 664—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872,

by adding a new section to the Political Code of the State of California, to be known as Section 3897, relating to public lands, and revenue and taxation, and to the Regents of the University of California.

Bill read first time, and, on motion, ordered on file without reference to committee.

CONSIDERATION OF ASSEMBLY SPECIAL FILE.

Assembly Constitutional Amendment No. 23—Relative to the duties of the State Board of Education.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 23 refused adoption by the following vote:

AYES—None.

NOES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Davis, Flint, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Nutt, Pace, Plunkett, Shortridge, Simpson, Smith of Kern, Tyrrell of San Francisco, and Wolfe—22.

Constitutional amendment ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with the notice given on a previous day by Senator Bettman, Senator Simpson moved a reconsideration of the vote whereby Assembly Bill No. 766—An Act to amend Section 1665 and Section 1666 of the Political Code of the State of California, relating to the course of study for the public schools of this State—was refused passage.

The question being on the motion to reconsider.

The roll was called, and motion carried by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nutt, Plunkett, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—25.

NOES—Senator Davis—1.

The question then being on the passage of the bill.

The roll was called, and Assembly Bill No. 766 finally passed by the following vote:

AYES—Senators Ashe, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Flint, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Oneal, Plunkett, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—25.

NOES—Senators Belshaw, Davis, Goad, Greenwell, Hoey, Laird, Rowell, Shortridge, and Smith of Kern—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Simpson moved a reconsideration of the vote whereby Assembly Bill No. 277—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3½, relating to the levying and equalizing and modifying, and reapportionment and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances

against such assessments and reassessments, and against the improvements under said Act—was refused passage.

The question being on the motion to reconsider.

The roll was called, and motion carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Cutter, Davis, Greenwell, Hoey, Lardner, Leavitt, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—26.

NOES—Senators Luchsinger, and Smith of Kern—2.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—24.

NOES—Senators Lardner, and Smith of Kern—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY SPECIAL FILE—(RESUMED).

Assembly Bill No. 207—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selva, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 740—An Act to regulate the practice of architecture.

Read third time.

Senator Luchsinger moved to refer to Senator Taylor, as a special committee of one, to amend as follows:

Amend by striking out of Section 4, line three, the word "exclusively."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 740—An Act to regulate the practice of architecture—with instructions to amend, respectfully reports the same back, amended as per instructions.

TAYLOR, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print.

On motion of Senator Luchsinger, further consideration of Assembly Bill No. 740 was made special order for this date at eight o'clock p. m.

Assembly Bill No. 67—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 363—An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of Boards of Trustees of cities of the fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 363 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Corlett, Currier, Cutter, Goad, Greenwell, Lardner, Leavitt, Lukens, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Shortridge, Smith of Kern, Taylor, and Tyrrell of San Francisco—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178—An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Belshaw moved a call of the Senate.

Time, three o'clock and twenty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentz, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selva, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At three o'clock and thirty minutes P. M., Senator Laird was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused for absence from the Senate chamber.

At three o'clock and thirty-one minutes P. M., Senator Tyrrell of Nevada was brought to the bar of the Senate, and, on motion of Senator Belshaw, excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and thirty-two minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Shortridge.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No 178 was refused passage by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Currier, Curtin, Flint, Goad, Greenwell, Lardner, Luchsinger, Muentner, Nutt, Rowell, Smith of Kern, and Taylor—15.

NOES—Senators Bettman, Corlett, Cutter, Davis, Hoey, Laird, Maggard, Nelson, Oneal, Pace, Plunkett, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Davis gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 178 was this day refused passage.

At three o'clock and thirty-five minutes P. M., Hon. G. R. Lukens, State Senator from the Twenty-seventh Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of Senate Bills Nos. 662 and 663, having arrived, the same were taken up.

SUSPENSION OF RULES.

Senator Nutt asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bill No. 662.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Nutt:

Resolved That Senate Bill No. 662 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Pace, Plunkett, Rowell, Selvage, Smith of Kern, Taylor, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 662—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 passed by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Plunkett, Rowell, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SUSPENSION OF RULES.

Senator Laird asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bill No. 663.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Laird:

Resolved, That Senate Bill No. 663 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Rowell, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—Senator Bettman—1.

CASE OF URGENCY.

Senate Bill No. 663—An Act to amend the Political Code by amending Section 343 thereof, and adding a new section thereto, to be numbered Section 644.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 663 passed by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Rowell, Selvage, Shortridge, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the committee of free conference in relation to Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein—which report reads as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. SPEAKER: Your committee of free conference, concerning Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein, report that we have met a like committee of the Senate, consisting of Senators Cutter, Rowell, and Leavitt; and we report that the free conference committee agreed upon and recommend that the Assembly recede from those portions of the Assembly amendment to Section 2 which relate, respectively, to assembly districts numbered ten, eleven, fifty-eight, and fifty-nine: being subdivisions ten, eleven, fifty-eight, and fifty-nine of said Section 2; and your committee further recommends that the following amendments be made to Section 2:

1. That subdivision ten of said Section 2 be amended to read as follows:

"10. The counties of Placer and El Dorado shall constitute the tenth assembly district."

2. That subdivision eleven of said Section 2 be amended to read as follows:

"11. The counties of Amador, Calaveras, Alpine, and Mono shall constitute the eleventh assembly district."

3. That subdivision fifty-eight of said Section 2 be amended to read as follows:
"58. The County of San Benito shall constitute the fifty-eighth assembly district."
4. That subdivision fifty-nine of said Section 2 shall be amended to read as follows:
"59. The County of Monterey shall constitute the fifty-ninth assembly district."

Respectfully submitted.

G. L. JOHNSON,
H. S. GANS,
W. H. SAVAGE,
Free Conference Committee of Assembly.
WM. M. CUTTER,
CHESTER ROWELL,
F. W. LEAVITT,
Free Conference Committee of Senate.
CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in amendments to Senate Bill No. 447, as reported by committee of free conference?"

The roll was called, and amendments to Senate Bill No. 447, as reported by the committee of free conference, concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Hoey, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nutt, O Neal, Pace, Plunkett, Rowell, Selvage, Smith of Kern, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Senate Bill No. 447 ordered to print and enrollment.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Cutter, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senator Caldwell moved that further consideration of Senate Bill No. 483 be made special order for eight o'clock p. m.

The question being on the motion to set special order.

The roll was called, and motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Currier, Curtin, Davis, Lardner, Lukens, Muenster, Nutt, Rowell, Smith of Kern, and Taylor—13.

NOES—Senators Bettman, Burnett, Byrnes, Corlett, Goad, Greenwell, Hoey, Leavitt, Maggard, O Neal, Pace, Plunkett, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—18.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 483?"

Amend by striking out of Section 1, lines seven, eight, nine and ten, the words "The franchises of all other quasi-public corporations shall be assessed in the county in which such corporations owning or holding them, have their principal place of business."

Also: Amend by adding in line thirty after the word "it," the words "and also the full cash value of all non-assessable property owned by it."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 483 by the following vote:

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Leavitt, Maggard, Nelson, Nutt, O Neal, Pace, Plunkett, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senators Belshaw, Caldwell, Currier, Davis, Lardner, Lukens, Muenster, Rowell, Smith of Kern, and Taylor—10.

Senate Bill No. 483 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 554—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered and known as Section 680.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 554?"

Amend by striking out the title, and inserting in lieu thereof the following:
"Amend the Penal Code of the State of California by adding a new section thereto, to be numbered and known as section six hundred and eighty."

Also: Amend by striking out all of the bill after the enacting clause, and inserting in lieu thereof the following:

"SECTION 1. The Penal Code of the State of California is hereby amended by adding a new section thereto, to be numbered and known as section six hundred and eighty, and to read as follows:

"Section 680. Every person who shall pay an employé his wages, or any part thereof, while said employé is in any saloon, bar-room, or other place where intoxicating liquors are sold at retail, unless such employé is employed in such saloon, bar-room, or such place where intoxicating liquors are sold, shall be guilty of a misdemeanor."

The roll was called, and Assembly amendments to Senate Bill No. 554 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Maggard, Nutt, Pace, Rowell, Simpson, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Senate Bill No. 554 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 576—An Act to amend Section No. 160 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and concerning compensation of county and township officers.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 619—An Act to provide for restoration to capacity of persons adjudged to be insane who have no guardians, and who are not confined at State hospitals for the insane.

Also: Senate Bill No. 378—An Act fixing and defining a miner's inch of water.

Also: Refused to pass Senate Bill No. 615—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the distribution of its proceeds," approved March 23, 1893, and amended by an Act approved March 9, 1895, and further amended by an Act approved March 9, 1897.

Also: Passed Assembly Bill No. 783—An Act making an appropriation to pay the claim of Theo. A. Bell, District Attorney of Napa County, California, for moneys expended in behalf of the State of California for foreclosing State school lands in Napa County, State of California.

Also: Senate Bill No. 660—An Act authorizing Boards of Supervisors, or other governing bodies of municipalities, to declare holidays.

Also: Amended, and passed as amended, Senate Bill No. 659—An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 619, 378, and 660 ordered to enrollment.

Assembly Bill No. 783 ordered on file without reference to committee.

Consideration of Assembly amendments to Senate Bill No. 659 passed temporarily.

Assembly Bill No. 393—An Act to amend Section 612 of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 393 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Pace, Rowell, Shortridge, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Concurrent Resolution No. 8—Relative to adjournment—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

S. C. SMITH, Chairman.

SUSPENSION OF RULES.

Senator Smith of Kern asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Concurrent Resolution No. 8.

ASSEMBLY CONCURRENT RESOLUTION No. 8.

Relative to adjournment.

Resolved by the Assembly, the Senate concurring, That this, the thirty-fourth session of the Legislature of the State of California, shall adjourn *sine die* on Saturday, March sixteenth, one thousand nine hundred and one, at twelve o'clock midnight; *provided*, that no bill shall be considered by either house on and after the hour of twelve o'clock noon of said day of adjournment.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Assembly Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nutt, Pace, Plunkett, Rowell, Shortridge, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Tyrrell of San Francisco:

Resolved, That the Controller is hereby directed to draw his warrants, and the Treasurer to pay the same out of the Contingent Fund of the Senate, in the amounts of \$75, to E. F. Mitchell, Minute Clerk, and \$50 to each of his assistants, D. G. Holt, John Carew, and G. W. Donohue, for their services for remaining after final adjournment for properly pasting together, arranging, and labeling the original minutes, which, according to law, must be properly signed and delivered to the Secretary of State, receipt being obtained and given therefor; and be it further

Resolved, That the State Printer is hereby directed to deliver the minutes of the last day of the session to the Minute Clerk within two weeks from the day of adjournment.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Laird:

Resolved, That the Secretary of State is hereby directed to purchase and furnish to the Lieutenant-Governor, to each Senator, and to the Secretary of the Senate, in complete form, a set of the codes passed at this session of the Legislature, when same are bound and printed, and the State Controller is hereby directed to draw his warrant for the payment of same on the fund for the payment of the contingent expenses of the Senate, and the State Treasurer is hereby directed to pay said warrant.

By Senator Simpson:

Resolved, That J. C. Carter be and is hereby allowed \$25 for services rendered as porter, the same payable out of the Contingent Fund of the Senate, and the State Controller is hereby directed to draw his warrant for the same, and the State Treasurer is directed to pay the same.

By Senator Luchsinger:

Resolved, That J. J. Breen, Engrossing and Enrolling Clerk of the Senate, and G. B. Keane and I. M. King, Assistant Engrossing and Enrolling Clerks, be and they are hereby employed, after the final adjournment of the Senate, for the purpose of completing the work in their books and registers, and delivering the same into the hands of the Secretary of State; and that they be allowed the sum of \$50 each, payable out of the Contingent Fund of the Senate; and that the Controller is hereby directed to draw his warrant for said amounts in favor of the above-named persons, and the Treasurer is directed to pay the same.

MOTION TO RECONSIDER.

In compliance with the notice of motion to reconsider given by Senator Davis on a previous day, Senator Ashe moved a reconsideration of the vote whereby Senate Bill No. 346—An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to public administrators—was refused passage.

The question being on the motion to reconsider.

The roll was called, and motion carried by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Oneal, Plunkett, Shortridge, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—26.

NOES—None.

The question then being on the passage of the bill.

The roll was called, and Senate Bill No. 346 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Davis, Greenwell, Laird, Lardner, Leavitt, Muentner, Nutt, Oneal, Pace, Shortridge, Simpson, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—23.

NOES—Senators Cutter, Hoey, Nelson, Rowell, and Smith of Kern—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

At four o'clock and fifty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

SPECIAL ORDER SET.

On motion of Senator Cutter, consideration of Assembly Bill No. 402 was made special order for this date at eight o'clock P. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 82—An Act to provide for the maintenance and support in certain cases of indigent, incompetent, and incapacitated persons other than persons adjudged

insane and confined within State hospitals, becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons.

Senate Bill No. 393—An Act to amend Section 2524 of the Political Code of the State of California.

Senate Bill No. 569—An Act to execute and carry into effect Section 3 of Article XX of the Constitution of the State of California.

Senate Bill No. 408—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States.

Senate Bill No. 120—An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of bonds thereof and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Senate Bill No. 580—An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation.

Senate Bill No. 114—An Act to amend the Penal Code by adding a new section to Title XV, to be numbered 637½, providing for the protection of wild birds, and their eggs and nests.

Senate Bill No. 288—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Senate Bill No. 232—An Act to amend Section 850 of the Code of Civil Procedure.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 15th day of March, 1901, at four o'clock and five minutes P. M.

NELSON, Chairman.

WITHDRAWAL OF BILL.

Senator Welch asked unanimous consent to withdraw Senate Bill No. 456—An Act to limit horse-racing to a period of thirty days in each county within the State during one year.

Consent granted.

Bill withdrawn and ordered stricken from the file.

RECESS.

At the hour of five o'clock and five minutes P. M., on motion of Senator Wolfe, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Plunkett, Rowell, Selvage, Sims, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—30.

Quorum present.

CONSIDERATION OF SPECIAL ORDERS.

The hour for consideration of special order heretofore set, being consideration of Assembly Bills Nos. 740 and 402, having arrived, the same were taken up.

Assembly Bill No. 740—An Act to regulate the practice of architecture.
Read third time previously on this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 740 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Cutter, Davis, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Pace, Plunkett, Rowell, Simpson, Tyrrell of Nevada, and Tyrrell of San Francisco—21.
NOES—Senators Burnett, Byrnes, Muentner, and Nelson—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 402—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Oneal moved a call of the Senate.

The question being on the motion for call of the Senate.

The ayes and noes were demanded by Senators Oneal, Tyrrell of San Francisco, and Hoey.

The roll was called, and motion carried by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Cutter, Hoey, Maggard, Nutt, Oneal, Pace, Plunkett, Shortridge, Simpson, Tyrrell of San Francisco, Welch, and Wolfe—16.
NOES—Senators Ashe, Belshaw, Curtin, Davis, Greenwell, Laird, Lardner, Luchsinger, Muentner, Rowell, Selvage, Sims, Taylor, and Tyrrell of Nevada—14.

Time, nine o'clock and five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Sims, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and ten minutes P. M., Senator Laird moved that further proceedings under call of the Senate be dispensed with.

The question being on the motion to dispense with call of the Senate.

The ayes and noes were demanded by Senators Oneal, Tyrrell of San Francisco, and Hoey.

The roll was called, and motion carried by the following vote:

AYES—Senators Ashe, Belshaw, Currier, Curtin, Davis, Devlin, Flint, Greenwell, Laird, Lardner, Luchsinger, Muentner, Rowell, Selvage, Sims, Taylor, Tyrrell of Nevada, and Wolfe—18.
NOES—Senators Burnett, Byrnes, Corlett, Cutter, Goad, Hoey, Maggard, Nutt, Oneal, Pace, Plunkett, Shortridge, Simpson, Tyrrell of San Francisco, and Welch—15.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 402 was refused passage by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Corlett, Cutter, Hoey, Maggard, Nutt, Oneal, Pace, Plunkett, Shortridge, Simpson, Tyrrell of San Francisco, and Wolfe—15.
NOES—Senators Ashe, Belshaw, Caldwell, Currier, Curtin, Davis, Devlin, Greenwell,

Laird, Lardner, Luchsinger, Muentner, Nelson, Rowell, Selvage, Sims, Smith of Kern, Taylor, and Tyrrell of Nevada—19.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Wolfe, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 15, 1901. }

To the Senate of the State of California:

I hereby nominate Nathaniel Ellery of Humboldt County, Highway Commissioner in place of J. L. Maude; W. W. Van Arsdale of the City and County of San Francisco, Fish Commissioner in place of Charles Gould; and I respectfully request your consent to said appointments.

HENRY T. GAGE,
Governor of the State of California.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Nathaniel Ellery of Humboldt County as Highway Commissioner?"

The roll was called, with the following result:

AYES—Senators Ashe, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Goad, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Taylor, Tyrrell of Nevada, and Wolfe—23.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Nathaniel Ellery of Humboldt County as Highway Commissioner had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of W. W. Van Arsdale of the City and County of San Francisco as Fish Commissioner?"

The roll was called, with the following result:

AYES—Senators Ashe, Burnett, Byrnes, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Maggard, Muentner, Nutt, Pace, Rowell, Selvage, Smith of Los Angeles, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of W. W. Van Arsdale of the City and County of San Francisco as Fish Commissioner had been duly confirmed.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 15, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the extra session of the thirty-third Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

May 2, 1900—George M. Hawley, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Norman H. Conklin, term expired.

May 1, 1900—A. W. Foster, a member of the Board of Regents of the University of California, in place of H. S. Foote, term expired and resigned.

May 2, 1900—G. B. Grow, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Frank H. Dixon, term expired.

May 2, 1900—J. E. O'Brien, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of W. J. Prout, appointment withdrawn.

May 2, 1900—C. H. Davis, Port Warden for the Port of San Diego, in place of himself, term expired.

August 21, 1900—E. J. Louis of San Diego, Trustee of the State Normal School at Los Angeles for the term ending July 1, 1904, in place of himself, term expired.

HENRY T. GAGE,
Governor of the State of California.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of A. W. Foster as a member of the Board of Regents of the University of California?"

The roll was called, with the following result:

AYES—Senators Ashe, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Pace, Rowell, Selvage, Taylor, Tyrrell of Nevada, Welch, and Wolfe—23.

NOES—None.

Whereupon the President pro tem. announced that the appointment of A. W. Foster as a member of the Board of Regents of the University of California had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of George M. Hawley as a member of the Board of State Harbor Commissioners for the Bay of San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Burnett, Byrnes, Corlett, Currier, Curtin, Flint, Goad, Laird, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Taylor, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of George M. Hawley as a member of the Board of State Harbor Commissioners for the Bay of San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of G. B. Grow as a member of the Board of State Harbor Commissioners for the Bay of San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nutt, Rowell, Selvage, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—21.

NOES—None.

Whereupon the President pro tem. announced that the appointment of G. B. Grow as a member of the Board of State Harbor Commissioners for the Bay of San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of J. E. O'Brien as a member of the Board of State Harbor Commissioners for the Bay of San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Byrnes, Corlett, Currier, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Oneal, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—21.

NOES—None.

Whereupon the President pro tem. announced that the appointment of J. E. O'Brien as a member of the Board of State Harbor Commissioners for the Bay of San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of C. H. Davis as Port Warden for the Port of San Diego?"

The roll was called, with the following result:

AYES—Senators Ashe, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Maggard, Nelson, Oneal, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Whereupon the President pro tem. announced that the appointment of C. H. Davis as Port Warden for the Port of San Diego had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of E. J. Louis of San Diego as Trustee of the State Normal School at Los Angeles?"

The roll was called, with the following result:

AYES—Senators Bettman, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Oneal, Rowell, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—21.

NOES—None.

Whereupon the President pro tem. announced that the appointment of E. J. Louis of San Diego as Trustee of the State Normal School at Los Angeles had been duly confirmed.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Tyrrell of Nevada:

Resolved, That A. L. Fisher, Indexer of the Senate, be and he is hereby instructed to remain after adjournment of this session of the Legislature for the purpose of completing the index to the Senate Journal, and that he be allowed the regular per diem of \$5 for one week. The Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of said A. L. Fisher for the sum of \$35, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

At nine o'clock and thirty-five minutes P. M., Hon. E. K. Taylor, State Senator from the twenty-eighth Senatorial District, in the chair.

SUSPENSION OF THE RULES.

Senator Lukens asked for and was granted unanimous consent to have the rules suspended for the purpose of immediately considering Senate Bill No. 664.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Lukens:

Resolved, That Senate Bill No. 664 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Oneal, Plunkett, Rowell, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 664—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3897a, relating to public lands and revenue and taxation and to the Regents of the University of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 664 passed by the following vote.

AYES—Senators Ashe, Bettman, Burnett, Byrnes, Corlett, Currier, Davis, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Simpson, Taylor, and Tyrrell of Nevada—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 330—An Act to amend Sections 4, 5, and 8 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State.'"

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 330 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Flint, Goad, Greenwell, Lardner, Luchsinger, Maggard, Nelson, Nutt, Oneal, Pace, Plunkett, Rowell, Selvage, Shortridge, Simpson, Taylor, Tyrrell of Nevada, Welch, and Wolfe—26.

NOES—Senator Laird—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 302—An Act to add a new section to the Penal Code, to be known as Section 625½, in relation to the plugging of water-producing wells made in territory producing oil.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 302 finally passed by the following vote:

AYES—Senators Ashe, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Laird, Lardner, Luchsinger, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Taylor, Tyrrell of Nevada, and Welch—24.

NOES—Senators Byrnes and Oneal—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 270—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to justices of the peace in townships.

Read third time, and passed on file.

Assembly Bill No. 773—An Act to change and permanently locate the boundary line between the counties of Del Norte and Siskiyou.

Passed on file.

At nine o'clock and fifty-five minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

Assembly Bill No. 218—An Act to pay the claim of C. B. Lightfoot against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 218 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Caldwell, Corlett, Currier, Curtin, Cutter, Davis,

Flint, Goad, Greenwell, Lardner, Luchsinger, Maggard, Nelson, Nutt, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—22.

NOES—Senators Laird and Oneal—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 815—An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, which new section shall be designated 214½; being a section creating the office of matron of the county jail in and for the counties of the first, second, third, fourth, and fifth classes, defining the duties and powers and fixing the term of office and compensation of, and providing for the appointment of, and the giving of official bond by, such matron.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 815 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Currier, Cutter, Davis, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Maggard, Muentner, Nelson, Nutt, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Davis, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendments to Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto—and under a suspension of the rules (by unanimous consent) appointed Assemblymen McWade, Webber, and Laird, as a committee of free conference to meet a like committee from the Senate, in relation thereto.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

APPOINTMENT OF COMMITTEE OF FREE CONFERENCE.

In accordance with the above message, the President pro tem. appointed Senators Lukens, Smith of Kern, and Tyrrell of San Francisco a committee of free conference on Assembly Bill No. 650.

On motion of Senator Smith of Los Angeles, consideration of Senate Bill No. 659 was taken up.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 659?"

Amend by striking out the word "seven," in line one, Section 1, first page, printed bill, and inserting in lieu thereof the word "three."

The roll was called, and Assembly amendment to Senate Bill No. 659 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Corlett, Currier, Davis, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Muentner, Nelson, Nutt, Oneal, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—26.

NOES—None.

Senate Bill No. 659 ordered to enrollment.

At ten o'clock and fifteen minutes P. M., Hon. Thomas Flint., Jr., President pro tem. of the Senate, in the chair.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 761—An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars, or boats of railroad and steamship companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 761 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 832—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and all Acts supplementary thereto or amendatory thereof, including an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 832 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Cutter, Devlin, Flint, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Nutt, Oneal, Pace, Plunkett, Selvage, and Simpson—22.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 14—Relative to liens of mechanics, laborers, materialmen, sub-contractors and contractors.

Also: Assembly Constitutional Amendment No. 15—Relative to private claims against the State.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Joint Resolution No. 16—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CALDWELL, Chairman.

Assembly Constitutional Amendments Nos. 14 and 15 and Assembly Joint Resolution No. 16 ordered on file.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION.

Assembly Joint Resolution No. 16—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called.

CALL OF THE SENATE DENIED.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that Assembly Joint Resolution No. 16 was refused adoption by the following vote:

AYES—Senators Belshaw, Bettman, Corlett, Currier, Devlin, Pace, Plunkett, Selvage, Welch, and Wolfe—10.

NOES—Senators Burnett, Curtin, Cutter, Davis, Flint, Goad, Greenwell, Hoey, Laird, Luchsinger, Lukens, Nelson, Oneal, Rowell, Simpson, and Tyrrell of San Francisco—16.

EXPLANATION OF VOTE.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

I am of record as voting on the question in favor of submitting to the people the question of the election of the United States Senators by direct vote of the people, but I voted "no" on this amendment because I do not believe in opening up the question of amending the Federal Constitution on any other subject.

J. B. CURTIN.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Oneal moved a reconsideration of the vote whereby Assembly Bill No. 707—An Act to amend Section 3521 of the Political Code of the State of California, relating to the time when patents for State lands can be issued—was refused passage.

The question being on the motion to reconsider.

Senator Oneal moved that further consideration of the motion be postponed until next legislative day.

Motion carried.

Senator Lukens moved that Senate concurrent resolution be now considered.

The question being on the motion.

The ayes and noes were demanded by Senators Oneal, Lukens, and Taylor.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Burnett, Corlett, Devlin, Flint, Goad, Leavitt, Luchsinger, Lukens, Rowell, Smith of Los Angeles, Taylor, and Wolfe—13.

NOES—Senators Ashe, Bettman, Caldwell, Currier, Curtin, Cutter, Greenwell, Hoey, Laird, Lardner, Muentner, Nelson, Plunkett, Selvage, and Welch—15.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Davis moved that the vote whereby Assembly Constitutional Amendment No. 9—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the

judiciary, and establishing Courts of Appeal—was on a previous day refused adoption be now reconsidered.

The question being on the motion to reconsider.

Senator Davis moved that further consideration of motion be postponed until next legislative day.

Motion carried.

THIRD READING OF BILLS.

Senate Bill No. 399—An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 399 passed by the following vote:

AYES—Senators Ashe, Burnett, Corlett, Cutter, Davis, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—22.

NOES—Senators Belshaw, Currier, Devlin, and Laird—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227—An Act amending Section 1109 of the Penal Code of the State of California, relating to evidence on a trial for selling, furnishing, etc., lottery tickets.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 227 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Greenwell, Laird, Lardner, Luchsinger, Lukens, Muentner, Oneal, Rowell, Selvage, Simpson, Smith of Los Angeles, Taylor, and Tyrrell of San Francisco—22.

NOES—Senator Davis—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 270—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to justices of the peace in townships.

Read third time previously on this day.

Senator Taylor moved to refer to Senator Ashe, as a special committee of one, to amend as follows:

Amend by striking out of Section 1, line seventeen, the word "four," and inserting the word "six."

Also: Strike out the word "representing," in the enacting clause, and insert in lieu thereof, the word "represented."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 270—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to justices of the peace in townships—with instructions to amend, respectfully reports the same back, amended as per instructions.

ASHE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print and on file for passage.

SUSPENSION OF RULES.

Senator Cutter was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bill No. 804.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Cutter:

Resolved, That Assembly Bill No. 804 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—29.

NOES—None.

Assembly Bill No. 804—An Act to amend Section 382 of the Penal Code.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 804 finally passed by the following vote:

AYES—Senators Ashe, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Luchsinger, Lukens, Oneal, Rowell, Selvage, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced by Senator Laird: Senate Concurrent Resolution No. 24—Relative to purchasing codes for the Lieutenant-Governor and Senators and Assemblymen.

Concurrent resolution read, and referred to Committee on Printing.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Simpson:

Resolved, That the leather chair heretofore purchased out of the Contingent Fund of the Senate, and now used by the Lieutenant-Governor, Hon. J. H. Neff, in the room set apart for his use, be presented to him with the compliments of the Senate, and that the Sergeant-at-Arms be instructed to express the same to his home.

Resolution read and adopted.

By Senator Smith of Los Angeles:

Resolved, That the sum of fifty (\$50) dollars be and the same is hereby appropriated out of the Contingent Fund of the Senate, same being payable to Miss Katie Bentley for services rendered to the Senate and its members as stenographer during the thirty-fourth session. The Controller of State is hereby authorized to draw his warrant for the amount herein specified, and the Treasurer directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

By Senator Devlin:

Resolved, That the State Controller be authorized to draw his warrant for the amount of \$70 in favor of W. L. Lusk for water furnished Senate committee rooms from January 6 to March 16, 1901, payable out of the General Fund, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Cutter:

Resolved, That W. F. Mixon, Journal Clerk of the Senate, and T. M. Marios and Sam Wacholder, his assistants, be and they are hereby employed after the final adjournment of the thirty-fourth session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Senate, in comparing and delivering the corrected and approved Journals and five bond copies of the same (as required by law) to the Secretary of the Senate, when completed and that they each be allowed the sum of \$50 from and after the final adjournment of the thirty-fourth session of the Legislature, payable out of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrants for the same, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

SECOND READING OF BILLS.

Assembly Bill No. 440—An Act to amend Section 25 and Section 52 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to powers of Supervisors of counties.

During second reading of bill, the following amendment was offered by Senator Currier:

Amend on page one, Section 1, line one, by inserting the word and figure "Section 1."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 272—An Act making an appropriation for the erection of a workshop at the home of the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 587—An Act to amend Sections 1492, 1494, and 1495 of the Political Code of the State of California, relating to State normal schools.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "high school" and comma beginning of line twenty-six, second page, printed bill.

Amendment lost.

Amend by striking out the words "high school," and comma after said words, in line fifteen, third page, printed bill.

Amendment lost.

Amend by striking out the word "for," end of line twelve, page one, printed bill, down to and including word "and" end of line fourteen, inclusive.

Amendment adopted.

Bill read second time, ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 14, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 272—An Act making an appropriation for the erection of a workshop at the home

of the "Industrial Home of Mechanical Trades for the Adult Blind"—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

S. C. SMITH, Chairman.

Assembly Bill No. 272 ordered on file for second reading.

THIRD READING OF BILLS.

Assembly Bill No. 40—An Act to remove clouds upon the title to certain lands in the State of California.

Read third time.

Senator Davis moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend Assembly Bill No. 40 by striking out all of Section 1 and in lieu thereof inserting the following:

"SECTION 1. All sales and deeds of real estate to the State of California for delinquent taxes are hereby declared to be null and void when, at the time said taxes were levied, said real estate was held or possessed under or by virtue of the United States preemption or homestead laws and final payment therefor had not been made to the United States; and such sales or deeds are hereby declared not in any wise to affect the title of the subsequent patentee of the United States, or present legal owner thereof.

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Curtin, Taylor, and Davis.

The roll was called, and motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Curtin, Davis, Flint, Goad, Lardner, Rowell, Smith of Kern, and Taylor—11.

NOES—Senators Burnett, Corlett, Cutter, Greenwell, Hoey, Laird, Luchsinger, Nelson, Oneal, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—14.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote. Senator Oneal moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Oneal, Davis, and Tyrrell of San Francisco.

The roll was called, and motion carried by the following vote:

AYES—Senators Burnett, Corlett, Currier, Curtin, Cutter, Goad, Greenwell, Hoey, Laird, Luchsinger, Oneal, Smith of Los Angeles, Tyrrell of San Francisco, and Welch—14.

NOES—Senators Ashe, Belshaw, Davis, Lukens, Rowell, Smith of Kern, and Taylor—7.

Time, eleven o'clock and thirty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Ashe, Belshaw, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Luchsinger, Lukens, Oneal, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and thirty-two minutes P. M., Senator Maggard was brought to the bar of the Senate, and, on motion of Senator Oneal, excused for absence from the Senate chamber.

At eleven o'clock and forty minutes P. M., Senator Rowell moved that further proceedings under call of the Senate be dispensed with.

The question being on the motion.

The ayes and noes were demanded by Senators Cutter, Davis, and Rowell.

The roll was called, and motion lost by the following vote:

AYES—Senators Ashe, Belshaw, Caldwell, Curtin, Davis, Goad, Lardner, Luchsinger, Lukens, Rowell, Smith of Kern, and Taylor—12.

NOES—Senators Burnett, Corlett, Currier, Cutter, Greenwell, Hoey, Laird, Maggard, Oneal, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—14.

At eleven o'clock and forty-five minutes P. M., Senators Bettman, Leavitt, Plunkett, Nelson, and Sims were brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-six minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Cutter.

The roll of absentees was called.

Whereupon the President pro tem. announced that Assembly Bill No. 40 was refused passage by the following vote:

AYES—Senators Bettman, Burnett, Corlett, Currier, Cutter, Devlin, Greenwell, Hoey, Laird, Leavitt, Maggard, Oneal, Plunkett, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—18.

NOES—Senators Ashe, Belshaw, Caldwell, Curtin, Davis, Goad, Lardner, Luchsinger, Lukens, Rowell, Sims, Smith of Kern, and Taylor—13.

Bill ordered transmitted to the Assembly.

At eleven o'clock and forty-six minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

Senate Bill No. 647—An Act appropriating \$1,200, the amount heretofore appropriated to Agricultural District No. 43, comprising the County of Lassen, by an Act entitled "An Act making appropriations for the support of the government of the State of California for the fifty-first and fifty-second fiscal years," approved March 17, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 647 passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Caldwell, Corlett, Currier, Cutter, Davis, Hoey, Laird, Lardner, Leavitt, Lukens, Maggard, Nelson, Oneal, Plunkett, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—22.

NOES—Senators Burnett, Curtin, Goad, Luchsinger, Rowell, Sims, Smith of Kern, and Taylor—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At eleven o'clock and fifty-nine minutes P. M., on motion of Senator Goad, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 16, 1901. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Currier, Curtin, Davis, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Rowell, Selvaige, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe--26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. W. C. Evans.

READING OF JOURNAL.

The Journal of Friday, March 15, 1901, was read.

APPROVAL OF JOURNALS.

The Journals of Tuesday, March 12, 1901, Wednesday, March 13, 1901, and Thursday, March 14, 1901, having been previously read and corrected, were approved.

RETURN OF BOOKS TO STATE LIBRARY.

The following receipt was ordered printed in the Journal:

SACRAMENTO, March 16, 1901.

Received of John F. Davis, Chairman of the Senate Committee on Judiciary, five volumes of Deering's Annotated Codes and Statutes of California, being the Political Code, Civil Code, Code of Civil Procedure, Penal Code, and Supplement of 1889, to be placed in the State Law Library, the same being the books of the State used by the Committee on Judiciary at this session.

J. L. GILLIS, State Librarian.
By THOS. FRASER, Deputy.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 562 -An Act entitled an Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto, enlarging the powers of boards of directors of such districts.

Also: Passed Senate Bill No. 597 -An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor.

Also: Passed Senate Bill No. 131 -An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Also: Passed Senate Bill No. 663 -An Act to amend the Political Code by amending Section 343 thereof, and adding a new section thereto, to be numbered Section 644.

Also: Passed Senate Bill No. 572 -An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen, while farm overseer at the California Home for the Care and Training of Feeble-Minded Children during the years 1896, 1897, and 1898, in the sum of \$242.

Also: Passed Senate Bill No. 248 -An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

The question then being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 562?"

On page two, Section 15½, in line twenty-three of printed bill, after the word "provided," strike out the words "that any owner of water, whose lands lie within the district, shall have the preferred right to lease the canal and works, when such leasing is in contemplation," and in lieu thereof insert the following: "That when the directors of any irrigation district contemplate the leasing of the canals or works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all bids. Such lease shall in no way interfere with any rights that may have been established by law at the time such lease is made."

The roll was called, and Assembly amendment to Senate Bill No. 562 concurred in by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Greenwell, Leavitt, Luchsinger, Lukens, Muentner, Nutt, Pace, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—25.

NOES—None.

Senate Bill No. 562 ordered to enrollment.

Senate Bills Nos. 597, 131, 663, 572, and 248 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to pass Senate Bill No. 602—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Also: Passed Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Also: Passed Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco under the Act of 1895.

Also: Passed Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceeding in pursuance whereof real estate has been sold to the State for delinquent taxes.

Also: Amended, and passed as amended, Senate Bill No. 481—An Act to amend Sections 189 and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Refused to pass Senate Bill No. 513—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Also: Passed Senate Bill No. 477—An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 478, 451, and 482 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 481?"

Amend by striking out the words "one hundred" on line one hundred and twenty-three, fourth page, printed bill, and inserting in lieu thereof the word "seventy-five."

The roll was called, and Assembly amendment to Senate Bill No. 481 concurred in by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Goad, Greenwell, Hoey, Laird, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Selvaige, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—26.

NOES—None.

Senate Bill No. 481 ordered to enrollment. .

Senate Bill No. 477 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 662—An Act authorizing suits against the State on

claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein.

Also: Senate Bill No. 548—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Also: Senate Bill No. 499—An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II, thereof, relative to contesting elections, said section to be numbered 1128.

Also: Senate Bill No. 538—An Act to provide for the payment of judgments against counties, cities, cities and counties, and towns.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 662, 548, 499, and 538 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 234—An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts.

Also: Struck out the enacting clause of Senate Bill No. 553—An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor.

Also: Amended, and passed as amended, Senate Bill No. 245—An Act to amend sections four (4), five (5), and eight (8) of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State.'"

Also: Passed Senate Bill No. 461—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots. Pilot Commissioners, and pilotage.

Also: Passed Senate Bill No. 583—An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections.

Also: Adopted Senate Concurrent Resolution No. 23—Relative to the completion of the "Index to the Laws," from 1893 up to and including laws of the present session of the Legislature; also relative to the compilation of all laws repealed or invalidated, indicating those laws now in force, and directing a report to be made to the next session of the Legislature.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 234, 461, and 583 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 285?"

Amend the title by striking out from lines one and two thereof the words and figure "ten (10) and twelve (12)"; also, by inserting before the word "eight" of the title the word "and."

Also: Amend page seven of the printed bill by striking out the words and figures "Sec. 6" and "Sec. 7," and inserting in lieu thereof the words and figures "Sec. 4" and "Sec. 5," respectively.

Also: Insert the words "City Treasurers are hereby directed to pay into the Teachers' Annuity and Retirement Fund the contributions of teachers and school officers whose salaries are paid by or through City Treasurers in the same manner as provided in the Act of which this Act is amendatory, to be paid by the Treasurer of a county, or consolidated city and county," on page seven, Section 3, line one hundred and sixty-three, after the words "city and county."

The roll was called, and the Assembly amendments to Senate Bill No. 285 concurred in by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Pace, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, and Wolfe—26.

NOES—None.

Senate Bill No. 285 ordered to enrollment.

Senate Concurrent Resolution No. 23 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in the Senate amendments to Assembly Bill No. 393—An Act to amend Section 612 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also: Adopted Assembly Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution, in relation to sessions of the Legislature.

Also: Refused to pass Senate Bill No. 229—An Act to amend Sections 5 and 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties in this State, for the improvement of and rectification of the channels of unnavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Assembly Constitutional Amendment No. 30 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 72—An Act to amend Section 1665 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

Also: Assembly Bill No. 880—An Act to add a new section to the Penal Code, to be known and numbered Section 556, to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction thereof.

Also: Assembly Bill No. 111—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice, and the practice of attorneys and counselors-at-law, in the courts of this State.

Also: Assembly Bill No. 546—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry: fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom: providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 207—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

REPORT OF COMMITTEE OF FREE CONFERENCE.

The following report of Committee of Free Conference concerning Senate Bill No. 650 was received and read:

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your committee of free conference concerning Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto—report that we have met a like committee of the Assembly, consisting of Assemblymen McWade, Webber, and Laird, and we report that the free conference committee agreed upon and recommend that the following amendments to said bill be adopted:

Amend Section 30, line forty-seven, by correcting the spelling of last word, "population."

Also: Add to subdivision one, Section 30, the words: "The provisions of this subdivision shall take effect immediately."

Also: Add to subdivision three, Section 30, the words: "The provisions of this subdivision shall take effect immediately."

Also: Add to subdivision fifteen, Section 30, the words: "The provisions of this subdivision shall take effect immediately."

Also: Amend Section 26, page eighty, by inserting after the word and figures "Sec. 26," the following: "Section one hundred and seventy-nine (179) of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, is hereby amended to read as follows:

"Section 179. In counties of the twenty-second class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit."

Also: Amend by striking out of Section 34, lines one hundred and forty, one hundred and forty-one, and one hundred and forty-two, page one hundred and two, the words:

"This section shall take effect and be in force from and after January first, nineteen hundred and three."

Also: Amend by striking out of Section 32, page ninety-six, the words and figures following, in subdivision fifteen: "Each Supervisor, five dollars per day when the board is in session, not exceeding five hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session, and unless otherwise provided by law, when serving as Road Commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such Road Commissioner," and inserting the following:

"15. Each Supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as Road Commissioner he shall receive twenty cents per mile, one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such Road Commissioner."

Also: Amend by striking out of Section 33, line ten, the words "twenty-eight hundred," and inserting the following: "three thousand."

Also: By striking out of Section 33, lines twelve and thirteen, all after the word "annum" and inserting a period after the word "annum."

Also: By striking out of Section 33, line fourteen, the word "seven," and inserting the word "eight."

Also: By striking out of Section 33, line sixteen, the word "one," and inserting the word "two."

Also: Amend by inserting after the word "education," the words "including the secretary."

Also: Strike out all after the word "directions," in line seventy-eight, and insert the following: "and may require one of the official reporters to act as clerk or stenographer for such purpose, and in case any such reporter should refuse or be unable to attend, may employ a stenographer for that purpose at the same compensation allowed to stenographers of the Superior Court of the county, such amount to be deducted from the salary of the official reporter in default."

Also: Add after word "tried," line one hundred and fifty-nine, the following: "*provided, however*, that nothing herein contained shall prevent a magistrate from appointing a shorthand reporter, pursuant to the provisions of Section 809 of the Penal Code of the State of California, or affect the right of such reporter to compensation."

Also: Amend by striking out of Section 26, lines one hundred and ninety-seven, one hundred and ninety-eight, one hundred and ninety-nine, and two hundred.

Also: Amend Section 20 by striking out all of subdivision seventeen thereof, page sixty-four, lines ninety-four to one hundred and two, both inclusive, of printed bill.

Also: Amend by striking out of Section 10, page thirty-three, line one hundred and thirty-four, the word "city," and make "court" read "courts."

Also: Strike out in line twenty, page forty-seven, Section 15, the words "and one deputy at a salary of nine hundred dollars."

Also: Strike out the words "one hundred," and insert in lieu thereof the word "ninety," page forty-eight, Section 15, line sixty-nine.

Also: Strike out the words "one hundred," and insert in lieu thereof the word "eighty-five," page forty-nine, Section 15, line ninety.

Also: Strike out the words "twelve hundred and fifty," and insert in lieu thereof the words "one thousand," page fifty, Section 15, line one hundred and twenty-two.

G. R. LUKENS, Chairman,

J. G. TYRRELL,

S. C. SMITH,

Senate Committee of Free Conference.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Currier, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Kern, Taylor, Tyrrell of Nevada, and Wolfe—23.

NOES—None.

SUSPENSION OF RULES.

Senator Caldwell was granted unanimous consent to have the rules suspended for the purpose of immediately considering Assembly Bills Nos. 520, 61, 561, 871, 758, and 783.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Caldwell:

Resolved, That Assembly Bills Nos. 520, 61, 561, 871, 758, and 783 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the

provision of that section requiring that a bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Flint, Goad, Greenwell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pace, Rowell, Selvage, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—28.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 520—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 520 finally passed by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Leavitt, Luchsinger, Muentner, Nelson, Rowell, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—24.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 61—An Act to add a new section to the Political Code, to be known as Section 1891.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 61 finally passed by the following vote:

AYES—Senators Belshaw, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Devlin, Goad, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Rowell, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 561—An Act to amend Section 2651 of the Political Code, relating to a general road fund.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 561 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Corlett, Curtin, Cutter, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Rowell, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 871—An Act to amend the Code of Civil Procedure of the State of California by adding thereto a new section, to be num-

bered 1319, providing for a contest of a will and procedure therein by the Public Administrator in cases where under the laws of the State of California a tax upon inheritances would be paid if the decedent should be adjudged to have died intestate; also, providing the grounds upon which and the time in which such contest may be made, providing for payment of the expense of such contest, and for the administration of the estate in certain cases arising out of such contest; also, providing for the dismissal of such contest.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 871 refused passage by the following vote:

AYES—Senators Bettman, Burnett, Byrnes, Cutter, Flint, Greenwell, Luchsinger, Oneal, Pace, Selvage, Simpson, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Wolfe—15.

NOES—Senators Currier, Davis, Devlin, Hoey, Lardner, Lukens, Maggard, Nelson, Nutt, Rowell, Smith of Kern, and Tyrrell of Nevada—12.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 758—An Act to amend Section 362 of the Civil Code.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 finally passed by the following vote:

AYES—Senators Byrnes, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Maggard, Nutt, Oneal, Pace, Rowell, Selvage, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 783—An Act making an appropriation to pay the claim of Theo. A. Bell, District Attorney of Napa County, California, for moneys expended in behalf of the State of California, for foreclosing State school lands in Napa County, State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 783 finally passed by the following vote:

AYES—Senators Byrnes, Corlett, Currier, Davis, Devlin, Flint, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Maggard, Nelson, Oneal, Plunkett, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

Senator Leavitt moved that Assembly messages be now taken up.

The question being on the motion.

The ayes and noes were demanded by Senators Cutter, Curtin, and Lukens.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—Senators Lukens and Taylor—2.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the committee of free conference concerning Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto— which report reads as follows:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1901.

MR. SPEAKER: Your committee of free conference concerning Senate Bill No. 650—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto—report that we have met a like committee of the Senate, consisting of Senators Lukens, Smith of Kern, and Tyrrell of San Francisco, and we report that the free conference committee agreed upon and recommend the adoption of the accompanying amendments to Senate Bill No. 650:

Amend Section 30, line forty-seven, by correcting the spelling of last word "population."

Also: Add to subdivision one, Section 30, the words: "The provisions of this subdivision shall take effect immediately."

Also: Add to subdivision three, Section 30, the words: "The provisions of this subdivision shall take effect immediately."

Also: Add to subdivision fifteen, Section 30, the words: "The provisions of this subdivision shall take effect immediately."

Also: Amend Section 26, page eighty, by inserting after the word and figures "Sec. 26," the following: "Section one hundred and seventy-nine (179) of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, is hereby amended to read as follows:

"Section 179. In counties of the twenty-second class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit,"

Also: Amend by striking out of Section 34, lines one hundred and forty, one hundred and forty-one, and one hundred and forty-two, page one hundred and two, the words: "This section shall take effect and be in force from and after January first, nineteen hundred and three."

Also: Amend by striking out of Section 32, page ninety-six, the words and figures following, in subdivision fifteen: "Each Supervisor, five dollars per day when the board is in session, not exceeding five hundred dollars per annum, and ten cents per mile for traveling to and from his residence to the county seat at each session, and unless otherwise provided by law, when serving as Road Commissioner, three dollars per day. But he shall not in any one year receive more than three hundred dollars for services as such Road Commissioner," and inserting the following:

"15. Each Supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as Road Commissioner he shall receive twenty cents per mile, one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such Road Commissioner."

Also: Amend by striking out of Section 33, line ten, the words "twenty-eight hundred," and inserting the following: "three thousand."

Also: By striking out of Section 33, lines twelve and thirteen, all after the word "annum," and inserting a period after the word "annum."

Also: By striking out of Section 33, line fourteen, the word "seven," and inserting the word "eight."

Also: By striking out of Section 33, line sixteen, the word "one," and inserting the word "two."

Also: Amend by inserting after the word "education," the words "including the secretary."

Also: Strike out all after the word "directions," in line seventy-eight, and insert the following: "and may require one of the official reporters to act as clerk or stenographer for such purpose, and in case any such reporter should refuse or be unable to attend may employ a stenographer for that purpose at the same compensation allowed to stenographers of the Superior Court of the county, such amount to be deducted from the salary of the official reporter in default."

Also: Add after word "tried," line one hundred and fifty-nine, the following: "*provided, however*, that nothing herein contained shall prevent a magistrate from appointing a shorthand reporter, pursuant to the provisions of Section 869 of the Penal Code of the State of California, or affect the right of such reporter to compensation."

Also: Amend by striking out of Section 26, lines one hundred and ninety-seven, one hundred and ninety-eight, one hundred and ninety-nine and two hundred.

Also: Amend Section 20 by striking out all of subdivision seventeen thereof, page sixty-four, lines ninety-four to one hundred and two, both inclusive, of printed bill.

Also: Amend by striking out of Section 10, page thirty-three, line one hundred and thirty-four, the word "city," and make "court" read "courts."

Also: Strike out in line twenty, page forty-seven, Section 15, the words "and one deputy at a salary of nine hundred dollars."

Also: Strike out the words "one hundred," and insert in lieu thereof the word "ninety," page forty-eight, Section 15, line sixty-nine.

Also: Strike out the words "one hundred," and insert in lieu thereof the word "eighty-five," page forty-nine, Section 15, line ninety.

Also: Strike out the words "twelve hundred and fifty," and insert in lieu thereof the words "one thousand," page fifty, Section 15, line one hundred and twenty-two.

McWADE,

Chairman of Committee of Free Conference of the Assembly.

And had said Senate Bill No. 650 reprinted as amended by such committee, and herewith return the same to your honorable body.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

The question being on the adoption of the above amendments to Senate Bill No. 650.

The roll was called, and the amendments adopted by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Curtin, Cutter, Davis, Goad, Greenwell, Hoey, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Rowell, Selva, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—28.

NOES—None.

Senate Bill No. 650 ordered to enrollment.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 267—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 267 finally passed by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Byrnes, Caldwell, Corlett, Curtin, Davis, Goad, Greenwell, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Oneal, Selva, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 272—An Act making an appropriation for the erection of a workshop at the home of the "Industrial Home of Mechanical Trades for the Adult Blind."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 272 finally passed by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Corlett, Cutter, Davis, Goad, Greenwell, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nutt, Oneal, Rowell, Selva, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 471—An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works.

Senate Bill No. 110—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

Senate Bill No. 657—An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally-enfeebled paralytics into said institution; to provide for the support of all the inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897.

Senate Bill No. 155—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year.

Senate Bill No. 331—An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, to reenact Section 3859 of said code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made.

Senate Bill No. 58—An Act making an appropriation for the purchase and installment of improved machinery in the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Senate Bill No. 332—An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers.

Senate Bill No. 606—An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California.

Senate Bill No. 571—An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California.

Senate Bill No. 290—An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suits against delinquent purchasers of State school lands.

Senate Bill No. 555—An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries, and making an appropriation therefor.

Senate Bill No. 149—An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor.

Senate Bill No. 546—An Act to declare the Alturas and Lakeview Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Senate Bill No. 631—An Act to amend Section 853 of the Political Code of this State, relating to absence of officers.

Senate Bill No. 383—An Act making an appropriation of \$6,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, for the purchase of the necessary machinery and equipment, and the construction of an ice-manufacturing plant and refrigerating-room for the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Senate Bill No. 556—An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes.

Senate Bill No. 215—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 16th day of March, 1901, at nine o'clock and forty minutes A. M.

NELSON, Chairman.

ON FINANCE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 15, 1901.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Concurrent Resolution No. 10—Relative to donating money towards a monument to Hon. Stephen M. White.

Also: Assembly Bill No. 680—An Act to establish the California State Poultry Experimental Farm, and appropriating money therefor.

Also: Assembly Bill No. 662—An Act making an appropriation to pay the claim of the Berkeley "World-Gazette" for publishing the proposed constitutional amendments.
Also: Assembly Bill No. 341—An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

S. C. SMITH, Chairman.

Assembly Concurrent Resolution No. 10 ordered on file.

Assembly Bills Nos. 680, 662, and 341 ordered on file for second reading.

RECESS.

At the hour of twelve o'clock M., on motion of Senator Leavitt, the President declared the Senate at recess until two o'clock and thirty minutes P. M.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Cutter, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Pace, Rowell, Selva, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, and Tyrrell of Nevada—22.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 740—An Act to regulate the practice of architecture.

Also: Assembly Bill No. 330—An Act to amend sections four (4), five (5), and eight (8), and twelve (12) of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties, in the State.'"

Also: Passed Senate Bill No. 334—An Act making an appropriation of \$8,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Also: Refused passage to Senate Bill No. 463—An Act to amend Section 3819 of the Political Code of the State of California.

Also: Passed Senate Bill No. 467—An Act making an appropriation to pay the claim of Christopher McNulty for injuries received on property belonging to the State of California.

Also: Passed Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violation of the provisions hereof.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Bills Nos. 384, 467, and 581 ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 483—An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made.

Senate Bill No. 554—An Act to prohibit the paying of employes while he or they are in any public saloon, or barroom, or restaurant.

Senate Bill No. 619—An Act to provide for restoration to capacity of persons adjudged to be insane who have no guardians and who are not confined at State hospitals for the insane.

Senate Bill No. 378—An Act fixing and defining a miner's inch of water.

Senate Bill No. 660—An Act authorizing Boards of Supervisors, or other governing bodies of municipalities, to declare holidays.

Senate Bill No. 447—An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein.

Senate Bill No. 659—An Act making additional appropriations to provide for certain improvement and repairs at the State Normal School at Los Angeles.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 16th day of March, 1901, at two o'clock P. M.

NELSON, Chairman.

RECESS.

At the hour of two o'clock and forty-five minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until three o'clock P. M.

RECONVENED.

At three o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

At three o'clock and five minutes P. M., Hon. F. W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Los Angeles:

Resolved, That F. T. Barnet, Assistant Engrossing and Enrolling Clerk, be and he is hereby employed for one week after the final adjournment of the Legislature, to assist the Secretary of the Senate; and the State Controller is hereby authorized to draw his warrant in favor of said F. T. Barnet for the sum of thirty dollars (\$30), and the State Treasurer is hereby ordered to pay the same.

Resolution read, and referred to Committee on Contingent Expenses.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 664—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3897a, relating to public lands and revenue and taxation and to the Regents of the University of California.

Also: Senate Bill No. 399—An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State.

Also: Adopted Senate Constitutional Amendment No. 13—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 8 of Article I thereof, relating to offenses.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant.

Senate Bills Nos. 664 and 399, and Senate Constitutional Amendment No. 13 ordered to enrollment.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Wolfe, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, March 16, 1901. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 512, entitled "An Act to provide for the appointment of a Board of Monterey Custom House Trustees and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property"; and Senate Bill No. 627, entitled "An Act to authorize and empower the State Board of Prison Directors to purchase California-grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold"; and Committee Substitute for Senate Bill No. 592, entitled "An Act to amend an Act entitled 'An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California, entitled 'An Act to provide for the organization and government of irrigation district, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of same,' approved April 1, 1897, by repealing Sections 5, 6, 7, 8, 9, and 10, and by amending Sections 4, 16, and 18 thereof."

HENRY T. GAGE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, March 16, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 365, entitled "An Act for the relief of J. E. Atkinson for personal injuries received by him while in the service of the State."

This bill appropriates the sum of \$15,000 for the purpose expressed on the face of the bill of paying the claim of J. E. Atkinson for personal injuries sustained by the loss of his leg while in the discharge of his duties under the orders of a superior at the Stockton State Hospital while in the service of the State of California.

I very much regret to be obliged to disapprove of this bill, in view of the sad and unfortunate condition of Mr. Atkinson, but according to the opinion of the Code Commissioners, hereto attached, the bill is void, being opposed to Section 32, Article IV of the Constitution of the State; and therefore duty requires me to withhold my approval.

It seems to me that a future Legislature should provide a general law fitting such cases, whereby the State might afford relief in such like unhappy instances where any of its citizens are disabled in the service of the State.

HENRY T. GAGE,
Governor of the State of California.

OFFICE OF THE COMMISSIONERS FOR THE
REVISION AND REFORM OF THE LAW. }
SACRAMENTO, March 16, 1901. }

To His Excellency the Governor:

In response to your request of March 15th, for our opinion respecting the constitutionality of Senate Bill No. 365, entitled "An Act for the relief of J. E. Atkinson for personal injuries received by him while in the service of the State," we respectfully reply that we have no doubt that the Act is unconstitutional and void within the decision of the Supreme Court of this State, in the case of Bourn vs. Hart, 93 Cal. 321.

The bill here in question corresponds so perfectly in all substantial respects with the one there denounced as unconstitutional as to leave no room for question that it is conclusively covered by the decision in that case.

Yours respectfully,

A. C. FREEMAN,
W. C. VAN FLEET,
Commissioners.

The question being, "Shall Senate Bill No. 365 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Ashe, Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Welch, and Wolfe—28.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 473, entitled "An Act adding a new section to the Political Code of California, to be numbered Section 248, relating to the branding and labeling of convict-made goods."

This measure adds a new section to the Political Code, declaring it a misdemeanor to sell or expose for sale within this State goods, wares, and merchandise made by convict labor without branding and labeling the same as "convict made."

The bill excepts the lawfully made articles manufactured in the penal institutions of the State. The bill is very obscurely worded, and actually useless as a preventive or remedial measure against the acts designed to be prevented. It is, moreover, absurdly made part of the Political Code. The necessity for uniformity in our codes and explicit laws makes it impossible for me to give this bill my approval.

HENRY T. GAGE,
Governor of the State of California.

The question being, "Shall Senate Bill No. 473 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—None.

NOES—Senators Bettman, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Shortridge, Simpson, Smith of Kern, Smith of Los Angeles, Welch, and Wolfe—25.

Also :

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1901. }

To the Senate of the State of California:

I herewith return to your honorable body without my approval, with my objections thereto, Senate Bill No. 7, entitled "An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations."

This bill establishes a Board of Water and Forest Commissioners, and appropriates \$107,000 as a special fund for the carrying out of the purposes of the Act. The commissioners by this Act have power to enter into contracts with the representatives of any department of the Federal Government for the purpose of making topographic surveys and a joint investigation of the water resources of the State and best methods of developing, controlling, and utilizing the same, and the best methods of preserving the forests.

While this measure might contribute to important and beneficial results to the State, the large appropriation which it carries, when considered together with the large appropriation demanded in the purchase of the Redwood Park under the terms of Assembly Bill No. 873, made it impossible for me, at this session, to approve both bills without resulting in great burden to the taxpayers, or the necessity of my disapproving other more pressing and needed appropriations which are before me.

The question, therefore, to be decided by me was whether this measure or Assembly Bill No. 873 should be vetoed, for it would be an injustice to the taxpayers of the State to approve both bills.

Upon mature consideration, and in view of the representations made to me by numerous citizens of the State that the magnificent redwood trees were likely to be destroyed, thereby resulting in irreparable injury to the State, and imbued with the desire that a portion at least of the Big Basin of the Redwoods should be preserved as a public park, where poor and rich alike might enjoy the pleasures of these grand groves of nature, I felt it my duty to slightly overstep the lines of strict State economy inaugurated by the Republican party, and obligatory upon me, and to approve the bill for the establishment of the Redwood Park.

In exercising this choice, I am compelled to veto the present measure, which might otherwise meet with my approval, because the preservation of the redwoods appears to me a matter of urgency as well as of greater necessity and importance.

HENRY T. GAGE,
Governor of the State of California.

The question being, "Shall Senate Bill No. 7 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Belshaw, Caldwell, Davis, Flint, Rowell, and Smith of Kern—6.

NOES—Senators Ashe, Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Devlin, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Selvage, Shortridge, Simpson, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—24.

CONSIDERATION OF SPECIAL ORDER.

The hour for consideration of special order heretofore set, being consideration of the vetoes of the Governor to Senate Bill No. 161—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort—and Committee Substitute for Senate Bills Nos. 311 and 382—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature, entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, and making an appropriation for the payment of any final judgments which may be recovered thereunder—having arrived, the same was taken up.

The question being, "Shall Senate Bill No. 161 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Belshaw and Flint—2.

NOES—Senators Ashe, Bettman, Caldwell, Currier, Curtin, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Shortridge, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—22.

The question being, "Shall Committee Substitute for Senate Bills Nos. 311 and 382 become a law notwithstanding the Governor's objections thereto?"

The roll was called, and the objections of the Governor sustained by the following vote:

AYES—Senators Belshaw and Caldwell—2.

NOES—Senators Bettman, Byrnes, Currier, Curtin, Devlin, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Shortridge, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—21.

CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Senator Lukens, the consideration of Senate Concurrent Resolution No. 10 was taken up.

Senate Concurrent Resolution No. 10—Resolution welcoming to the State of California the International Convention of Epworth Leagues upon the occasion of its fifth biennial session, to be held in San Francisco, July 18th to 21st, 1901.

During reading of the concurrent resolution the following amendments were submitted by the committee:

Amend by striking out the words "from the planting" down to and including the words "years ago," on lines twenty-nine, thirty, and thirty-one, third page, printed bill, and inserting in lieu thereof, the following: "from the founding of the Mission at San Diego in 1769."

Amendment adopted.

Also:

Amend by striking out the words "equaling nearly that of the rest of the world" on lines forty-one and forty-two, fourth page, printed bill, and inserting in lieu thereof, the following: "vast" between the words "the" and "annual."

Amendment adopted.

Concurrent resolution ordered to print.

At four o'clock P. M. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Wolfe:

WHEREAS, It is conceded by the best medical authorities that consumption is an infectious disease and dangerous to the public welfare; and,

WHEREAS, Most of the counties of California have thrust upon them the care of indigents from other States afflicted with tuberculosis, who at once become a public charge; and,

WHEREAS, This problem is one whose seriousness should, if possible, be checked; therefore, be it

Resolved, That a committee of three members of this Senate, all of them hold-over Senators, be appointed by the President of this Senate to investigate this subject in its various phases, to recommend a site for an institution, and to report their findings at the next regular biennial session of this body, with a view of having established, if the same be considered practicable, such a State institution for the care of all indigents affected with tuberculosis who are now, or may hereafter become, a public charge, so that they may be segregated and properly cared for, at the expense of the State.

Resolved further, That the said committee shall be allowed their actual expenses, out of the Contingent Fund of the Senate, not to exceed the sum of two hundred and fifty dollars.

Senator Wolfe asked for and was granted unanimous consent to take up the above resolution for immediate consideration.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

Time, four o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Caldwell, Currier, Curtin, Davis, Devlin, Flint, Goad, Hoey, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Rowell, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and seven minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Shortridge.

The roll of absentees was called.

Whereupon the President announced that the resolution was adopted by the following vote:

AYES—Senators Byrnes, Caldwell, Currier, Curtin, Davis, Nutt, Oneal, Pace, Selvage, Simpson, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—15.

NOES—Senators Belshaw, Devlin, Flint, Goad, Laird, Lardner, Luchsinger, Muentner, Nelson, Rowell, Shortridge, Sims, Smith of Kern, and Taylor—14.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Wolfe, Smith of Los Angeles, and Plunkett.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the following:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of J. L. Martin, Sergeant-at-Arms of the Senate, for the sum of \$20, in payment of the several following bills, and the Treasurer is directed to pay the same:

For hack hire serving subpoenas to March 16th, inclusive.....	\$15 00
For shipping and packing chair, Lieutenant-Governor Neff	5 00
	<hr/> \$20 00

Also:

Resolved, That the sum of \$75 be and the same is hereby appropriated out of the Contingent Fund of the Senate, for the purpose of paying Senators S. C. Smith, E. K. Taylor, and J. C. Sims, for traveling expenses, stationery, postage, and printing, incurred by them on the Special Committee on Municipal Taxation and Revenue, and the Controller is hereby authorized and directed to draw his warrant for the said amount, in favor of Senator S. C. Smith, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Bettman, Byrnes, Caldwell, Currier, Curtin, Cutter, Davis, Devlin, Flint, Goad, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Simpson, Sims, Smith of Los Angeles, Tyrrell of Nevada, and Wolfe—22.

NOES—None.

CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Senator Laird, the consideration of Senate Concurrent Resolution No. 24 was taken up.

SENATE CONCURRENT RESOLUTION No. 24.

Relative to Code Commission furnishing a complete set of amended codes.

Resolved, Senate and Assembly concurring, That the Code Commission be directed to purchase and to furnish to the Lieutenant-Governor, to each Senator and Assemblyman, and to the Speaker of the House and the Secretary of the Senate a complete set of the codes passed at this session of the Legislature, after being printed and bound, and that the same be paid out of the printing fund now in the hands of said commission.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 24 adopted by the following vote:

AYES—Senators Bettman, Byrnes, Corlett, Currier, Curtin, Cutter, Davis, Devlin, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—Senators Belshaw, Maggard, and Rowell—3.

Concurrent resolution ordered transmitted to the Assembly.

RECESS.

At the hour of four o'clock and thirty minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Davis, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muenter, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Simpson, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—28.

Quorum present.

APPROVAL OF JOURNAL.

The Journal of Friday, March 15, 1901, having been previously read and corrected, was approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the bill of the Whisky Hill Water Company for \$70, being for water furnished committee rooms—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

FLINT, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Belshaw, Caldwell, Corlett, Davis, Flint, Goad, Leavitt, Luchsinger, Lukens, Nelson, Nutt, Oneal, Pace, Rowell, Shortridge, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—20.

NOES—Senators Ashe, Bettman, Burnett, Devlin, Laird, Selvage, Taylor, and Tyrrell of San Francisco—8.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the President of the Senate is hereby authorized to purchase an oil painting of the late Lieutenant-Governor John B. Reddick, at an expense not to exceed \$300. Said painting to be hung in the office set apart for the use of Lieutenant-Governors. The Controller is hereby authorized to draw his warrant in favor of C. S. MacMullan for said amount, payable out of the Contingent Fund of the Senate, and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Curtin, Davis, Devlin, Flint, Goad, Laird, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Simpson, Smith of Kern, Tyrrell of Nevada, Welch, and Wolfe—28.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the various resolutions relating to the employment of the Senate attachés after final adjournment, recommend the adoption of the following resolution as a substitute:

Resolved, That the Controller be and he is hereby directed to draw his warrants in favor of the several persons, and for the sum set opposite their respective names, in payment for their services after the final adjournment of the Senate, and the Treasurer is hereby directed to pay the same.

Press Mailing Clerk, J. M. Williamson	\$14 00
Press Mailing Clerk, J. F. Gallagher	14 00
Press Mailing Clerk, Miss Ella Maloney	14 00
Document Clerk, J. McHugh	14 00
File Clerk, L. Kirschbaum	10 00
Assistant File Clerk, P. J. Grey	10 00
Assistant File Clerk, Romer K. Ritchie	10 00
Making up file of Chapters, C. E. Williams	50 00
Stenographer, Miss Kate Bentley	50 00
Work assigned by the Secretary, William Eden	14 00
Work assigned by the Secretary, Chas. Metcalf	14 00
Work assigned by the Secretary, Chas. Tuttle	14 00
Assistant at desk, L. E. Pioda	25 00
Compiling report of Contingent Expense Committee, A. L. Luce	35 00
Bill Clerk, M. Cherrie	14 00
Assistant Bill Clerk, T. Rea	14 00
Assistant Bill Clerk, John Lawless	14 00
Assistant Bill Clerk, B. F. Gray	14 00
Secretary of Senate, Compiling History, etc., F. J. Brandon	550 00
Journal Clerk, completing work, W. F. Mixon	33 33 $\frac{1}{3}$
Assistant Journal Clerk, completing work, T. M. Marios	33 33 $\frac{1}{3}$
Assistant Journal Clerk, completing work, Sam Wacholder	33 33 $\frac{1}{3}$
Minute Clerk, E. F. Mitchell	50 00
Assistant Minute Clerk, D. G. Holt	25 00
Assistant Minute Clerk, John Carew	25 00
Assistant Minute Clerk, G. W. Dohohoe	25 00

\$1,119 00

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Belshaw, Bettman, Burnett, Caldwell, Corlett, Curtin, Devlin, Flint, Goad, Laird, Lardner, Luchsinger, Lukens, Muentner, Nutt, Pace, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Tyrrell of Nevada, Welch, and Wolfe—25.

NOES—None.

MOTION.

Senator Simpson moved that Committee on Contingent Expenses report back the following resolution:

Resolved, That the sum of \$40 be and the same is hereby allowed to B. M. Poore, for services rendered to the Senate as stenographer during the thirty-fourth session. The Controller of State is hereby authorized to draw his warrant for the amount herein named, and the Treasurer directed to pay the same—

offered by him on March 14, 1901.

The question being on the motion.

The ayes and noes were demanded by Senators Simpson, Ashe, and Smith of Los Angeles.

The roll was called, and the motion carried by the following vote:

AYES—Senators Ashe, Caldwell, Corlett, Curtin, Devlin, Laird, Lukens, Nutt, Selva, Shortridge, Simpson, Smith of Los Angeles, Taylor, and Tyrrell of Nevada—14.

NOES—Senators Belshaw, Burnett, Byrnes, Flint, Goad, Lardner, Luchsinger, Muentner, Nelson, Rowell, Sims, Smith of Kern, and Wolfe—13.

CONSIDERATION OF CONCURRENT RESOLUTION.

Senator Lukens asked for and was granted unanimous consent to take up Senate Concurrent Resolution No. 10 for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 10.

Resolution welcoming to the State of California the International Convention of Epworth Leagues upon the occasion of its fifth biennial session, to be held in San Francisco, July 18 to 21, 1901.

WHEREAS, The fifth International Convention of Epworth Leagues is to be held in the City of San Francisco, this State, July eighteenth to twenty-first, nineteen hundred and one; and

WHEREAS, The Epworth League is an organization of the young people of the Methodist Church, with an aggregate membership of two and one half millions of persons, located principally in the United States and Canada, and having societies in nearly all the different countries of the world, which organization has for its object the promotion of piety and loyalty to religion, education in the Bible and Christian literature, encouragement in works of charity, and right living among its members, and their development in upright citizenship; and

WHEREAS, At the previous biennial international conventions of the League, held in Eastern and Southern cities of the United States and Canada, the attendance has reached as high as fifty thousand persons; and

WHEREAS, A large number of our citizens in public and private life have for nearly two years last past been devoting their time, labor, and funds in the promotion of this great convention, and will continue so to labor and devote their energies in this behalf, and will to the last, that the convention may be a success, and that the many thousands of visitors to California may be hospitably received; and

WHEREAS, By reason of the superior attractions offered by a trip to California, by reason of the prevailing good times, by reason of the prominence attained by California in Oriental affairs, and by reason of the extremely low rates for transportation to and from the State on account of this convention, agreed upon by the Railway Association of the United States, which rates are more favorable than those granted to the International Convention of Christian Endeavor of eighteen hundred and ninety-seven, with terms and provisions permitting holders of tickets to visit numerous points of interest in the State, and which rates of transportation are available to everybody whether members of the League or not, and by reason of the great success and unmarred pleasure attending the International Convention of Christian Endeavor of eighteen hundred and ninety-seven, and by reason of the world-wide fame of the State of California for unbounded hospitality, it is confidently expected by those who have in charge the arrangements for the coming convention that more than thirty-five thousand people will visit our State in July next; and

WHEREAS, It is meet and proper that the people of the State of California, represented in Senate and Assembly, should welcome to our splendid State the delegates to the convention of nineteen hundred and one, and their accompanying friends, and others drawn here upon this great occasion; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring therein, That the Legislature of the State of California, in its thirty-fourth session assembled, does hereby extend to the members of the Epworth League from all parts of the world, and their accompanying friends, a hearty greeting and a cordial welcome to our beloved State upon this, the occasion of their Fifth Biennial International Convention, and assure them that we believe that much benefit will be derived by the people of our own State from the visit of those who will come within our borders at the time of this great gathering, and sincerely hope that much good will come to those who thus visit us. We assure our intending visitors that they will find in the hearts of our people a sincere regard for, and an "earnest interest in that moral culture which is elevating and helpful to humanity," and among our citizens a deep-seated purpose to aid and encourage good works, and that in the homes of our people they will find the same reverence for God that characterizes true Christianity wherever found.

In this the opening year of the new century, the eyes of the entire world are turned toward the Orient. California and her great metropolis, San Francisco, command the approaches to the far east. With fifty years of statehood, forming a glorious past, California occupies a commanding position, with possibilities seldom equaled and never surpassed by any other State in the Union.

We point to our countless churches, our works of art, our scientific institutions, and our splendid school system, crowned with our great State University, as evidences of our spiritual and intellectual progress. From the founding of the first mission at San Diego, in 1769, by the Spanish Fathers, the progress of Christian teaching may be traced through the rude and now ruined missions, through the rough frontier churches and schoolhouses, to our great cathedrals and magnificent seats of learning of to-day. We point to the farms and orchards in our fertile valleys, to the mines of our productive hills, our great cities, and our railways and waterways, burdened with the commerce of the world, as evidences of our material prosperity. Our great ship-building plants, our factories, mills, and our varied industries demonstrate progress in the mechanical arts.

The vast annual output of our gold mines; the enormous value of our cereal and fruit crops; the immensity of our wool, lumber, oil, and other industries, tell the story of the richness of our State.

To an enjoyment of the riches and best products of our State we bid our visitors welcome. Within our borders they may luxuriate amid semi-tropical scenes of San Diego, Coronado, Pasadena, and Los Angeles; they may wander at will amid scenes of nature's grandeur found in the Yosemite Valley, Monterey, and elsewhere; and amidst the frozen fastnesses of Shasta's summit they may find solitude equal to that of the polar regions. In the great valleys and along the hills they will find scenes with vine and fig-tree setting, bringing to mind Italy, Palestine, and the East. In San Francisco and our other large cities will be found Oriental quarters that will offer opportunities to study the people of Eastern nations in their own peculiar surroundings. To these and other points of interest and entertaining scenes we bid our visitors come. In the name of a million and a half of hospitable citizens, we bid them welcome to California.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Devlin, Goad, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nutt, Pace, Rowell, Selvaige, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—24.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION NO. 11.

Directing the State Printer to print thirty thousand copies of Concurrent Resolution No. 10, relative to welcoming the Epworth League International Convention, to be held in San Francisco, July 18 to 21, 1901.

WHEREAS, There has been adopted Senate Concurrent Resolution No. 10, extending to the Epworth League a welcome to the State of California upon the occasion of their fifth biennial international convention, to be held in the City of San Francisco, July eighteenth to twenty-first, nineteen hundred and one; and

WHEREAS, It is believed to be for the best interests of the people of the State of California that a sufficient number of copies of said resolution be published in a suitable form to afford an opportunity to place a copy thereof in the hands of each visitor to the State upon the occasion of such convention; therefore, be it

Resolved by the Senate, the Assembly concurring therein, That the State Printer be and he is hereby directed to prepare and publish, in the form of a booklet, journal-page size, on coated book paper, of sixty to eighty pounds per ream, thirty thousand copies of Senate Concurrent Resolution No. 10, relative to welcoming to the State of California, upon the occasion of their fifth biennial international convention, to be held in the City of San Francisco, July eighteenth to twenty-first, nineteen hundred and one, the Epworth Leagues, and that the State Printer use, in publishing such resolution as aforesaid, such half-tone or other picture plates of public buildings and other notable features of the State as are indicated in such resolution; *provided*, such half-tone or other picture plates are either now owned by the State, or are furnished free of cost for the use by the State Printer for this purpose. Such publication to be paid for out of the Contingent Funds of the Senate and the Assembly, one half from each fund, and the Controller is hereby authorized to draw a warrant for a sum not to exceed seven hundred and fifty (\$750.00) dollars in favor of the State Printer in payment therefor, and the Treasurer of State is hereby directed to pay the same, and that when completed the said copies of said resolution in booklet form shall be distributed as follows: To the Secretary of State, for distribution to members of the Legislature, State officers, and such others as he may deem proper, five hundred copies; to the Executive Committee of the International Epworth League Convention, San Francisco, twenty-nine thousand five hundred copies.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 11 adopted by the following vote:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Corlett, Curtin, Cutter, Devlin, Flint, Goad, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Oneal, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—23.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Curtin, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1901. }

To the Senate of the State of California:

I hereby nominate John G. Mattos, Jr., of Alameda County a Director of the Deaf, Dumb, and Blind Asylum, in place of Brewton A. Hayne, term expired.

Also: Henry Pierce of Alameda County a Director of the Deaf, Dumb, and Blind Asylum, in place of himself, term expired.

Also: John H. Grindley of Alameda County a Director of the Deaf, Dumb, and Blind Asylum, in place of himself, term expired.

Also: Frank W. Leavitt of Alameda County a Director of the Deaf, Dumb, and Blind Asylum, in place of himself, term expired.

Also: John T. Harrington of Colusa County a Trustee of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, term expired.

Also: William M. Lawlor of the City and County of San Francisco a Trustee of the California Home for the Care and Training of Feeble-Minded Children, in place of R. R. Reibenstein, term expired.

Also: John D. Mackenzie of Santa Clara County a Trustee of the California Home for the Care and Training of Feeble-Minded Children, in place of Thomas P. Woodward, term expired.

Also: H. G. W. Dinkelspiel of the City and County of San Francisco a Trustee of the State Normal School at San Francisco, in place of himself, term expired.

Also: I. B. Dockweiler of Los Angeles County a Trustee of the State Normal School at San Diego, in place of himself, term expired.

Also: Clifford Coggins of Siskiyou County a Trustee of the State Normal School at Chico, in place of himself, term expired.

Also: F. C. Jacobs of Santa Clara County a Trustee of the State Normal School at San José, in place of George Sweigert, term expired.

Also: Charles Prager of Los Angeles County a Trustee of the Whittier State School, in place of Adina Mitchell, term expired.

And I respectfully request your consent to said appointments.

HENRY T. GAGE,
Governor of the State of California.

The President put the question, "Will the Senate advise and consent to the appointment of John G. Mattos, Jr., as Director of the Deaf, Dumb, and Blind Asylum?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Pace, Rowell, Selvage, Shortridge, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Wolfe—29.

NOES—None.

Whereupon the President announced that the appointment of John G. Mattos, Jr., as Director of the Deaf, Dumb, and Blind Asylum had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Henry Pierce of Alameda County as Director of the Deaf, Dumb, and Blind Asylum?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Maggard, Muentner, Nelson, Nutt, Pace, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Whereupon the President announced that the appointment of Henry Pierce of Alameda County as Director of the Deaf, Dumb, and Blind Asylum had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John H. Grindley of Alameda County as Director of the Deaf, Dumb, and Blind Asylum?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Devlin, Flint, Goad, Laird, Leavitt, Luchsinger, Lukens, Maggard, Nelson, Nutt, Rowell, Selvage, Smith of Los Angeles, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—24.

NOES—None.

Whereupon the President announced that the appointment of John H. Grindley of Alameda County as Director of the Deaf, Dumb, and Blind Asylum had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Frank W. Leavitt of Alameda County as Director of the Deaf, Dumb, and Blind Asylum in place of himself, term expired?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Lukens, Muentner, Nelson, Nutt, Pace, Rowell, Selvage, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Whereupon the President announced that the appointment of Frank W. Leavitt as Director of the Deaf, Dumb, and Blind Asylum had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John T. Harrington of Colusa County as Trustee of the California Home for the Care and Training of Feeble-Minded Children?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Pace, Rowell, Selvage, Simpson, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, Welch, and Wolfe—28.

NOES—None.

Whereupon the President announced that the appointment of John T. Harrington as Trustee of the California Home for the Care and Training of Feeble-Minded Children had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of William M. Lawlor of the City and County of San Francisco as Trustee of the California Home for the Care and Training of Feeble-Minded Children?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Simpson, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Whereupon the President announced that the appointment of William M. Lawlor of the City and County of San Francisco as Trustee of the California Home for the Care and Training of Feeble-Minded Children had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John D. Mackenzie as Trustee of the California Home for the Care and Training of Feeble-Minded Children?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Luchsinger, Lukens, Muentner, Nutt, Oneal, Pace,

Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, Welch, and Wolfe—27.

NOES—None.

Whereupon the President announced that the appointment of John D. Mackenzie as Trustee of the California Home for the Care and Training of Feeble-Minded Children had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of H. G. W. Dinkelspiel as Trustee of the State Normal School at San Francisco?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Leavitt, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Tyrrell of San Francisco, and Wolfe—27.

NOES—None.

Whereupon the President announced that the appointment of H. G. W. Dinkelspiel as Trustee of the State Normal School at San Francisco had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of I. B. Dockweiler as Trustee of the State Normal School at San Diego?"

The roll was called, with the following result:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Rowell, Selvage, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—28.

NOES—None.

Whereupon the President announced that the appointment of I. B. Dockweiler as Trustee of the State Normal School at San Diego had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Clifford Coggins as Trustee of the State Normal School at Chico?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Flint, Goad, Laird, Lardner, Luchsinger, Lukens, Nelson, Nutt, Rowell, Selvage, Shortridge, Simpson, Sims, Smith of Los Angeles, Taylor, Tyrrell of San Francisco, and Welch—26.

NOES—None.

Whereupon the President announced that the appointment of Clifford Coggins as Trustee of the State Normal School at Chico had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of F. C. Jacobs of Trustee at the State Normal School at San José?"

The roll was called, with the following result:

AYES—Senators Bettman, Burnett, Byrnes, Caldwell, Corlett, Currier, Curtin, Cutter, Flint, Goad, Laird, Lardner, Luchsinger, Lukens, Muentner, Nelson, Nutt, Oneal, Pace, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Taylor, Tyrrell of Nevada, Tyrrell of San Francisco, and Welch—29.

NOES—None.

Whereupon the President announced that the appointment of F. C. Jacobs of Santa Clara as Trustee of the State Normal School at San José had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles Prager as Trustee of the Whittier State School?"

The roll was called, with the following result:

AYES—Senators Belshaw, Bettman, Burnett, Caldwell, Corlett, Currier, Curtin, Cutter, Devlin, Eliot, Goad, Laird, Lardner, Luchsinger, Lukens, Oneal, Selvaige, Shortridge, Simpson, Sims, Smith of Kern, Taylor, Tyrrell of Nevada, and Tyrrell of San Francisco—24.

NOES—None.

Whereupon the President announced that the appointment of Charles Prager as Trustee of the Whittier State School had been duly confirmed.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 10—Resolution welcoming to the State of California the International Convention of Epworth Leagues upon the occasion of its fifth biennial session, to be held in San Francisco, July 18 to 21, 1901.

Also: Senate Concurrent Resolution No. 11—Directing the State Printer to print 30,000 copies of Concurrent Resolution No. 10, relative to welcoming the Epworth League International Convention, to be held in San Francisco, July 18 to 21, 1901.

Also: Senate Concurrent Resolution No. 24—Relative to Code Commission furnishing a complete set of amended codes.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

Senate Concurrent Resolutions Nos. 10, 11, and 24 ordered to enrollment.

RECESS.

At the hour of nine o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until nine o'clock and twenty minutes P. M. of this day.

RECONVENED.

At nine o'clock and twenty minutes P. M., the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

At nine o'clock and twenty-five minutes P. M., Hon. Frank W. Leavitt, State Senator from the Twenty-sixth Senatorial District, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Smith of Los Angeles:

Resolved, That the thanks of the Senate be tendered to the members of the press having seats upon the floor for the uniform courtesy, at all times during their arduous labors, shown to each and every Senator throughout this the thirty-fourth session of the Senate of the California Legislature, now about to close.

Resolution read and adopted.

At ten o'clock and fifteen minutes P. M., Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your special committee appointed to draft an expression of this Senate on the life and character of the late Benjamin Harrison, beg to report as follows:

The State of California feels deeply the great loss the nation has sustained by the death of our beloved ex-President, Benjamin Harrison.

It is indeed difficult to estimate fully or justly, at this time, the great character of our distinguished dead. Time alone can furnish the test by which his services, his achievements, his true life-work may be measured, and his proper place in the gallery of the undying dead may be finally decided upon by his devoted countrymen and the impartial judgment of mankind. But this we all do know: He was but yesterday one of our number, having common sentiments, hopes, and aspirations with us. He inherited no fortune other than a distinguished name; his energy, his perseverance, and care achieved reasonable fortune, and his pureness of heart, his symmetrical character, his cool and unimpassioned judgment, his fidelity to truth, his exaltation of duty above self, brightened the name he bore and insured its transmission untarnished to generations yet unborn. It is but just to say he was a great man; he was a successful and a respected President. Possibly he was not loved by the people as much as Lincoln or Garfield nor did he inspire and thrill the hearts of the people as did the immortal Grant: but he was a Choate in learning, possessed a dignity of mind, and was as unyielding and uncompromising, as lofty, and as sure in his rectitude, as was our beloved Washington.

He was a work boy, student, soldier, general, statesman; refined, pure-hearted, patriotic, and unbending in his devotion to the Constitution and the flag. His private life was pure, his public services distinguished, and richly deserve the great name, the imperishable fame which is his now and will be whenever and wherever great talents and commanding virtues are admired and loved by mankind; therefore, be it

Resolved by the Senate of the State of California, That the sympathy of this body be and the same is hereby extended to the immediate relatives and friends of our late ex-President;

Resolved, That a copy of this report be transmitted by the Secretary of the Senate to the widow of the beloved deceased.

S. C. SMITH.
WM. M. CUTTER.
CHAS. M. SHORTRIDGE.
A. A. CALDWELL.
R. PORTER ASHE.

The report was unanimously adopted by a rising vote.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate bills:

Senate Bill No. 562—An Act entitled an Act to amend "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto, enlarging the powers of Boards of Directors of such districts.

Senate Bill No. 597—An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor.

Senate Bill No. 131—An Act to change and permanently locate the boundary line between the counties of Butte and Plumas.

Senate Bill No. 572—An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen, while farm overseer at the California Home for the Care and Training of Feeble-Minded Children during the years 1896, 1897, and 1898, in the sum of \$242.

Senate Bill No. 248—An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California.

Senate Bill No. 478—An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions.

Senate Bill No. 451—An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco, under the Act of 1895.

Senate Bill No. 481—An Act to amend Sections 189 and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Senate Bill No. 477—An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson.

Senate Bill No. 662—An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein.

Senate Bill No. 548—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Senate Bill No. 499—An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II, thereof, relative to contesting elections, said section to be numbered 1128.

Senate Bill No. 538—An Act to provide for the payment of judgments against counties, cities, cities and counties, and towns.

Senate Bill No. 234—An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts.

Senate Bill No. 461—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage.

Senate Bill No. 581—An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of Certified Public Accountant; and to provide the grade of penalty for violations of the provisions hereof.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 16th day of March, 1901, at ten o'clock and five minutes p. m.

Also: Have examined the following Senate bills:

Senate Bill No. 663—An Act to amend the Political Code by amending Section 343 thereof and adding a new section thereto, to be numbered Section 644.

Senate Bill No. 482—An Act to add a new section to the Political Code, to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceedings in pursuance whereof real estate has been sold to the State for delinquent taxes.

Senate Bill No. 285—An Act to amend Sections 4, 5, 8, 10, and 12 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties, in the State.'"

Senate Bill No. 583—An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections.

Senate Concurrent Resolution No. 23—Relative to the completion of the "Index to the Laws," from 1893 up to and including laws of the present session of the Legislature; also, relative to the compilation of all laws repealed or invalidated, indicating those laws now in force, and directing a report be made to the next session of the Legislature.

Senate Bill No. 659—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto.

Senate Bill No. 384—An Act making an appropriation of \$8,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California.

Senate Bill No. 467—An Act making an appropriation to pay the claim of Christopher McNulty for injuries received on property belonging to the State of California.

Senate Bill No. 664—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3897, relating to public lands and revenue and taxation, and to the Regents of the University of California.

Senate Bill No. 399—An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State.

Senate Constitutional Amendment No. 13—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 8 of Article I thereof, relating to offenses.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 16th day of March, 1901, at ten o'clock and forty-five minutes p. m.

NELSON, Chairman.

ON CONTINGENT EXPENSES—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Resolved, That the sum of \$40 be and the same is hereby allowed to B. M. Poore, for services rendered to the Senate as stenographer during the thirty-fourth session. The Controller of State is hereby authorized to draw his warrant for the amount herein named, and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Ashe, Corlett, Currier, Curtin, Davis, Devlin, Goad, Laird, Luch-singer, Lukens, Maggard, Muentner, Oneal, Pace, Selvage, Shortridge, Simpson, Sims, Smith of Kern, Smith of Los Angeles, Welch, and Wolfe—22.

NOES—None.

REPORT OF ASSEMBLY COMMITTEE.

An Assembly committee (Mr. Anderson of Solano, chairman) appeared at the bar of the Senate, and announced that the Assembly had no further communication to transmit to the Senate, and was now prepared for final adjournment.

RESOLUTION.

The following resolution was offered by Senator Belshaw:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Belshaw, Davis, and Curtin to notify the Assembly of the Senate's readiness to adjourn *sine die*.

RESOLUTION.

The following resolution was offered by Senator Shortridge:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn, and ask if he has any further communication to transmit to the Senate.

Resolution adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Shortridge, Lardner, and Sims, a committee to notify the Governor that the Senate, thirty-fourth session, is about to adjourn *sine die*, and awaits his pleasure for further communication, if he has any, before so adjourning.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLEED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 16, 1901.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills have examined the following Senate resolutions:

Senate Concurrent Resolution No. 11—Directing the State Printer to print thirty thousand copies of Concurrent Resolution No. 10, relative to welcoming the Epworth League International Convention, to be held in San Francisco, July 18th to 21st, 1901.

Senate Concurrent Resolution No. 10—Resolution welcoming to the State of California the International Convention of Epworth Leagues upon the occasion of its fifth biennial session, to be held in San Francisco, July 18th to 21st, 1901.

Senate Concurrent Resolution No. 24—Relative to Code Commission furnishing a complete set of amended codes.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 16th day of March, 1901, at eleven o'clock and thirty-five minutes P. M.

NELSON, Chairman.

REPORT OF SENATE COMMITTEE.

Senator Shortridge, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn,

reported that the Governor informed the committee that he sends greeting, and that he will immediately transmit to this honorable body a message.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 16, 1901. }

To the Senate of the State of California:

The labors of your honorable body being nearly completed, I beg leave to express my deep appreciation for your uniform courtesy toward me, and your earnest cooperation, irrespective of party, in the legislative work of this session; and I sincerely trust that the zealous and commendable efforts which have characterized the members of your honorable body may receive their reward, not only in the praise of your constituents, but in the satisfied consciousness of duty well and faithfully performed.

HENRY T. GAGE,
Governor of the State of California.

APPROVAL OF MINUTES.

The minutes of Saturday, March 16, 1901, were read and approved.

FINAL ADJOURNMENT.

Lieutenant-Governor Jacob Hart Neff, President of the Senate, in fitting words thanked the Senators for the uniform courtesy shown him by each and all; complimented the officers and attachés of the Senate upon the efficiency and diligence shown by them in the performance of their respective duties, and spoke appreciatingly of the assistance afforded him by Secretary Brandon, Assistant Secretary Thomas, and especially the Hon. Thomas Flint, Jr., President pro tem. of the Senate, who by his great industry, tact, and superior knowledge of legislative affairs and parliamentary laws expedited legislation and justly won the plaudits of all the Senators as well as of himself and the people generally; and thereupon, at twelve o'clock midnight, declared the thirty-fourth session of the Senate of the State of California adjourned *sine die*.

JACOB H. NEFF,
President of the Senate.

F. J. BRANDON,
Secretary of the Senate.
E. FORREST MITCHELL,
Minute Clerk of the Senate.
W. F. MIXON,
Journal Clerk of the Senate.

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ABBREVIATIONS—S.B., Senate Bill; A.B., Assembly Bill; S.C.R., Senate Concurrent Resolution; A.C.R., Assembly Concurrent Resolution; S.J.R., Senate Joint Resolution; A.J.R., Assembly Joint Resolution; S.C.A., Senate Constitutional Amendment; A.C.A., Assembly Constitutional Amendment.

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102	An Act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor. Smith of Kern.....	60	366	633

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
103	An Act making an appropriation to pay the deficiency for transportation of insane, and feeble-minded children for the forty-ninth, fiftieth, fifty-first, and fifty-second fiscal years. Smith of Kern	60	265	
104	An Act to amend Section 1170 of the Penal Code, relating to exceptions that may be taken by the defendant on the trial of an indictment or information. Smith of Kern	60		
105	An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges. Smith of Kern	60	365	502
106	An Act prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations, and prescribing the effect to be given to recordation of notices of location and affidavits. Smith of Kern	60		
107	An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, to be known as Section 3½, relating to the levying, and equalizing, and modifying, and reapportionment, and reassessment of assessments under said Act, and relating to appeals from reassessments and assessments thereunder, and remonstrances against such assessments and reassessments, and against the improvements under said Act. Smith of Los Angeles	61		
108	An Act empowering Boards of Supervisors of any of the several counties of the State of California to levy a special tax for the purpose of displaying the products and industries of any county in the State at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the State. Smith of Los Angeles	61	831	1055
109	An Act making additional appropriation to provide for certain improvements and repairs at the State Normal School at Los Angeles. Smith of Los Angeles	61		
110	An Act to enforce the educational rights of children, and providing penalties for violation of the Act. Taylor	61	945	1161
111	An Act to add a new section to the Penal Code, and to Title IX, Chapter 11 thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age. Taylor	61	978	
112	An Act legalizing the establishment of high schools in incorporated cities, and providing for the maintenance and support of such schools. Taylor	61	302	660
113	An Act relative to the meeting place of high school boards within municipal corporations. Taylor	61	290	716
114	An Act to amend the Penal Code by adding a new section to Title XV thereof, to be numbered 637½, providing for the protection of wild birds and their eggs and nests. Taylor	61	632	1054
115	An Act to provide for the establishment and maintenance of public libraries within municipalities. Taylor	61	233	574
116	An Act to amend the Penal Code by adding a new section to Title VIII, Chapter X thereof, to be known as Section 258, defining and providing a penalty for the crime of slander. Taylor	61	631	746
117	An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Taylor	61	226	420
118	An Act to pay the claim of Major José Ramon Pico, and making an appropriation therefor. Taylor	62	362	859
119	An Act to amend Section 3805 of the Political Code, relating to erroneous tax assessments and sales. Taylor	62	980	
120	An Act to amend Section 16 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts, in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891. Taylor..	62	717	1131

Number	TITLE.	Intro- duced	Passed Senate	Passed As mdy
121	An Act providing for the levy of a special tax for specific public improvements within municipalities. Taylor.....	62	324	716
122	An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid, and amending Section 1570 of the Penal Code of the State of California relative to the disposition of fines and forfeitures collected by any court in the State of California. Taylor.....	62	264	574
123	An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Taylor.....	62	323	502
124	An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof. Taylor.....	62	381	413
125	An Act to amend Chapter III, of Title II, of Part II of the Code of Civil Procedure of the State of California by adding a section thereto, to be known as Section 349, relating to the time of commencing actions to contest assessments under the "Local Improvement Act of 1901." Taylor.....	62	324	451
126	An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the "Local Improvement Act of 1901." Taylor.....	62	323	452
127	An Act to provide for the appointment, duties, and compensation of the Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner, and to repeal certain former Acts relating to the subject-matter of this Act. Tyrrell of Nevada.....	63	291	420
128	An Act to amend Section 2756 of the Civil Code of the State of California, relating to fire insurance. Tyrrell of Nevada.....	63		
129	An Act to permanently locate the boundary line between the counties of Shasta and Plumas. Tyrrell of Nevada.....	63	903	
130	An Act to change and permanently locate the boundary line between the counties of Plumas and Tehama. Tyrrell of Nevada.....	63		
131	An Act to change and permanently locate the boundary line between the counties of Butte and Plumas. Tyrrell of Nevada.....	63	904	1203
132	An Act to change and permanently locate the boundary line between the counties of Yuba and Plumas. Tyrrell of Nevada.....	63	904	
133	An Act to change and permanently locate the boundary line between the counties of Plumas and Lassen. Tyrrell of Nevada.....	63		
134	An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893. Cutter.....	63		
135	An Act for the better protection of persons employed in mines, providing for the appointment of an Inspector of Mines, and defining his duties and fixing his compensation. Curtin.....	63		
136	An Act to repeal an Act entitled "An Act to regulate the practice of pharmacy and sale of poisons in the State of California," approved March 11, 1891. Laird.....	63		
137	An Act defining investment companies, and regulating and governing corporations, companies, associations, and individuals engaging in the business of placing or selling debentures, bonds, or certificates of investment, by whatsoever name such bonds or certificates may be designated, and to protect the holders thereof, and placing said corporations, companies, associations, or individuals under the supervision of the Bank Commissioners. Wolfe.....	63		
138	An Act to revise the Code of Civil Procedure of the State of California by amending certain sections, repealing others, and adding certain new sections. Devlin.....	63	652	727
139	An Act to revise the Penal Code of the State of California by amending certain sections, repealing others, and adding certain new sections. Devlin.....	64		
140	An Act to revise the Civil Code of the State of California by amending certain sections, repealing others, and adding certain new sections. Devlin.....	64	773	

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
141	An Act to amend Section 516 of the Civil Code of the State of California, relative to rates of toll to be posted at gate. Davis.	64	292	450
142	An Act to divide the State into Congressional districts, and provide for the election of members of the House of Representatives of the United States therein. Cutter.	64	860	979
143	An Act to repeal an Act entitled "An Act making it unlawful to refuse admission to places of amusement," approved March 23, 1893. Leavitt.	79		
144	An Act to provide for the organization and government of permanent road divisions, and defining the manner in which funds may be raised and expended for the construction, improvement, and maintenance of roads within such divisions. Smith of Kern.	64	292	687
145	An Act to prevent tampering with animals and to prevent the giving or administering of poison or drugs to horses, cattle, and other livestock and animals, except for medicinal purposes, making the same a felony, and providing for the punishment thereof. Leavitt.	79		
146	An Act to amend Sections 974, 975, 976, 977, and 980 of the Code of Civil Procedure, relating to appeals from justices' and police courts to the superior court. Sims.	79	754	
147	An Act providing for the appointment, and for fixing the bond and compensation, and for specifying the duties, powers, and tenure of office of matrons for city and town jails and prisons, where matrons therefor are not otherwise provided for. Taylor.	79		
148	An Act to add a new section to the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897 (said new section to be known as Section 25½); and also to amend Section 89 of the above entitled Act, all relating to the subject of matrons for county jails. Taylor.	79		
149	An Act to pay the claim of John P. Dulip against the State of California, and making an appropriation therefor. Byrnes.	79	882	1156
150	An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts. Simpson.	79		
151	An Act defining investment companies, and regulating and governing corporation companies, associations, and individuals engaging in the business of placing or selling debentures, bonds, or certificates of investments, by whatsoever name such debentures, bonds, or certificates may be designated, and to protect the holders thereof. Simpson.	80		
152	An Act creating a lien in favor of persons performing labor and rendering services in behalf of and during the last sickness of a deceased person, and in favor of those incurring expense and performing labor on account of the death and burial of such deceased person. Salvage.	80		
153	An Act to amend Section 189 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Davis.	80		
154	An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the Attorney-General for the remainder of the fifty-first fiscal year. Smith of Kern.	80	291	449
155	An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the fiftieth fiscal year. Smith of Kern.	80	265	1160
156	An Act to amend Section 1989 of the Code of Civil Procedure of the State of California, relating to the attendance of witnesses. Smith of Kern.	80		
157	An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the compensation and expenses of executors or administrators. Smith of Kern.	80		
158	An Act to amend Section 1776 of the Code of Civil Procedure of the State of California, relating to the compensation and expenses of guardians. Smith of Kern.	80		
159	An Act to amend Section 3335 of the Political Code. Smith of Kern.	80		
160	An Act to provide for the payment of the claim of Claus Spreckels against the State of California, and appropriating money therefor. Flint.	80	265	420

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
161	An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort, and for improving the grounds about said fort. Flint	80	381	525
162	An Act to amend Sections 1548 and 1552 of the Political Code of the State of California. Welch	80		
163	An Act to amend Sections 1543 and 1545 of the Political Code of the State of California. Welch	80		
164	An Act to amend Sections 1549 and 1550 of the Political Code of the State of California, relating to deputy superintendents of schools of counties, cities, and cities and counties, and providing for a clerk and stenographers for county superintendents for cities and counties, and for counties of the first class. Welch	80	890	953
165	An Act making an appropriation for establishing and maintaining drinking fountains in the State Capitol grounds at Sacramento. Devlin	80	266	715
166	An Act to add a new section to the Penal Code of the State of California, to be known as Section 28, providing for the release and discharge of persons now confined in or that may hereafter be committed to any penitentiary, prison, jail, house of detention, reform school or other penal institution, by whatever name the same may now or hereafter be known, under conviction for a penal offense, on a Monday. Devlin	80		
167	An Act making an appropriation for the erection of monuments or headstones at the graves of Hon. E. G. Waite, late Secretary of State; Hon. Levi Rackliffe, late State Treasurer; and Hon. Dana Perkins, late State Librarian, in the State burial plot at Sacramento. Devlin	80	363	747
168	An Act entitled an Act to prevent the sale of raw materials and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production, and to provide a penalty for the violation of said Act. Lardner	80	555	
169	An Act to add a new section to the Political Code, to be known as Section 1523, relating to the compilation of textbooks for use in the common schools of the State. Lardner	80		
170	An Act to amend an Act entitled "An Act to authorize the Board of Supervisors, or other governing authority, of the several counties, cities and counties, cities and towns, of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen," approved March 11, 1889. Davis	112	458	954
171	An Act making an appropriation to pay the claim of U. S. Gregory for transportation of — Clark, an insane person, to the insane asylum at Napa. Davis	112		
172	An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir. Davis	112		
173	An Act appropriating money for the purchase and equipment of a printing press for the use of the Preston School of Industry. Davis	112		
174	An Act appropriating money for the purchase of farm horses for the use of the Preston School of Industry. Davis	112		
175	An Act appropriating money for the purchase of books for the use of the Preston School of Industry. Davis	112	337	391
176	An Act appropriating money for the purchase of musical instruments for the use of the Preston School of Industry. Davis	112		
177	An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry. Davis	112		
178	An Act appropriating money for the purchase of tools for the use of the Preston School of Industry. Davis	112		
179	An Act to establish a law uniform with the laws of other States relative to divorce procedure, and divorce from the bonds of marriage. Nutt	112	971	
180	An Act to amend Section 3785 of the Political Code, relating to revenue and taxes of this State. Nutt	113	365	403

Number	TITLE.	Intro-duced.	Passed Senate.	Passed Assembly.
181	An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property. Nutt.....	113	380	575
182	An Act to amend Section 5 of an Act entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use," approved March 12, 1885, relating to the fixing of water rates, by providing for the designation of what proportion of the rates fixed is for annual reasonable expenses, and what proportion is for net annual receipts and profits. Nutt.....	113		
183	An Act amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California. Nutt.....	113		
184	An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid. Nutt.....	113		
185	An Act to prohibit the falsely marking, branding, or labeling boxes, packages, or barrels containing fruit, and providing that a violation thereof shall be deemed a misdemeanor, and fixing a punishment upon conviction therefor. Currier.....	113	368	593
186	An Act to amend an Act entitled "An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893. Devlin.....	113	337	659
187	An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary, and to appropriate money therefor. Devlin.....	113	634	
188	An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 219, relating to assaults by prisoners in the State Prison upon a fellow prisoner. Devlin.....	113		
189	An Act to amend Section 2645 of the Political Code of the State of California, relating to highways. Maggard.....	113		
190	An Act to amend Section 3839 of the Political Code of the State of California, relating to poll-tax. Maggard.....	114		
191	An Act to amend Section 634 of the Penal Code of the State of California, relating to fish. Maggard.....	114		
192	An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor. Maggard.....	114		
193	An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and punish persons violating the provisions of this Act. Simpson.....	114		
194	An Act making an appropriation to pay the deficiency for pay of officers and clerks of the Senate, thirty-third session, fiftieth fiscal year. Smith of Kern.....	114		
195	An Act to pay the claim of August Zimmerman against the State of California, and making an appropriation therefor. Lardner.....	114	556	
196	An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State upon the performance of certain conditions. Byrnes.....	114		
197	An Act to amend Section 1365 of the Code of Civil Procedure, relating to estates of persons deceased. Caldwell.....	114		
198	An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California. Wolfe.....	114		
199	An Act to amend Section 680 of the Political Code, relating to the investment of moneys proceeding from the sale of State school lands. Smith of Kern.....	123	333	575
200	An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893. Smith of Kern.....	123	395	

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
201	An Act to define and establish a portion of the eastern boundary of the State of California. Davis.....	123	365	483
202	An Act to amend paragraph sixteen of Section 178 of an Act to establish a uniform system of county and township governments, approved April 1, 1897, relating to fees of reporters. Caldwell.....	123		
203	An Act making an appropriation for the propagation of steel-head trout in Humboldt County. Selvage.....	124		
204	An Act making an appropriation to pay the salaries and expenses of the employes of the Commissioner of Public Works in the fifty-first fiscal year, and directing from what source such payment shall be made. Luchsinger.....	124	500	483
205	An Act to pay the claim of Ed E. Leake against the State of California. Luchsinger.....	124	593	659
206	An Act making an appropriation to pay the claim of A. L. Wood for \$300, being a reward offered for the arrest and conviction of Francisco Torres. Nutt.....	124	362	452
207	An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to game. Laird.....	124		
208	An Act to amend Section 487 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, defining grand larceny. Smith of Los Angeles.....	124		
209	An Act to amend an Act entitled "An Act to amend Sections 5, 6, and 11 of an Act entitled 'An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County,'" approved March 20, 1874. Cutter.....	124	791	1121
210	An Act to repeal an Act entitled "An Act for the creation of a commission for the promotion of uniformity of legislation in the United States, and to appropriate money for its expenses," approved March 9, 1897. Simpson.....	124	443	548
211	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 56 thereof, relating to Justices of Peace in townships. Taylor.....	124		
212	An Act amending Section 764 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the powers of boards of trustees of cities of the fifth class. Taylor.....	124		
213	An Act making an appropriation for repairs at the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, for ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably in the Civil War. Oneal.....	124		
214	An Act to amend Section 2 of an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredgers, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897. Cutter.....	129		
215	An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations. Lukens.....	129	367	1156
216	An Act to amend Section 1895 of the Political Code of the State of California, relating to persons subject to military duty, and to those who may constitute military organizations in the service of the State of California. Lukens.....	129	453	861
217	An Act making an appropriation to study the life history of beneficial and injurious insects in the State of California. Oneal.....	129		
218	An Act to amend Section 849 of the Code of Civil Procedure, relating to the service of summons issued from Justices' Courts, and by whom and how such summons may be served. Oneal.....	129	370	
219	An Act to amend Section 487 of the Penal Code of the State of California, relating to grand larceny. Devlin.....	129		

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
220	An Act to amend Section 1021 of the Code of Civil Procedure of this State, relating to compensation and liens of attorneys. Devlin.....	129	421	
221	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the amendment to the compensation of officers of the counties of the thirty-seventh class. Tyrrell of Nevada.....	129		
222	An Act appropriating the sum of \$611.30 to pay the claim of F. Phillips against the State of California. Wolfe.....	129	364	1055
223	An Act to place the "Lake Tahoe Wagon Road" under the care, control, management, and supervision of the Department of Highways of the State of California; to provide for necessary alterations and extensions on said road, and the repair and construction of the road structures thereon, and making an appropriation therefor, all of which is for the benefit of the State of California. Lardner.....	130		
224	An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor. Lardner.....	130	1084	1119
225	An Act to provide an ice machine and cold storage plant for the Mendocino State Hospital, with the necessary connections and fittings, and making an appropriation therefor. Goad.....	130		
226	An Act to provide an electric plant for lighting the buildings and grounds of the Mendocino State Hospital, and making an appropriation therefor. Goad.....	130		
227	An Act to appropriate \$25,000 for the erection of a connecting building at the Mendocino State Hospital. Goad.....	130		
228	An Act to appropriate \$21,000 for the purchase of additional lands for the use of the Mendocino State Hospital; to purchase sewer pipe to conduct the sewage of said hospital to the said additional lands; to purchase dairy cows for the use of said hospital. Goad.....	130		
229	An Act to amend Sections 5 and 16 of an Act entitled "An Act to provide for the formation of protection districts in the various counties in this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements. Shortridge.....	137	888	
230	An Act to amend Section 3442 of the Civil Code. Nutt.....	137		
231	An Act to amend Section 412 of the Code of Procedure, relating to service of summons by publication, and the taking of affidavits to be used in procuring the order for publication of summons. Nutt.....	138	633	746
232	An Act to amend Section 850 of the Code of Civil Procedure. Nutt.....	138	948	1137
233	An Act to amend Section 14 of the Civil Code, defining the meaning of certain words used in said Code. Nutt.....	138		
234	An Act to amend Section 871 of the Code of Civil Procedure, relating to judgments by default in Justices' Courts. Nutt.....	138	975	1175
235	An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder. Nutt.....	138	508	
236	An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the Marshal. Nutt.....	138		
237	An Act entitled an Act to amend Section 2003 of the Political Code. Nutt.....	138	335	
238	An Act to pay the claim of Thomas J. Walsh for conveying the election returns of Presidential Electors to Sacramento. Wolfe.....	138	333	658

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
239	An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the disorganization of irrigation districts, the discharge of their indebtedness, and the distribution of their property in accordance with agreements between the creditors of the districts and property owners therein. Currier	138		
240	An Act amending Section 3658 and repealing Section 3704 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Davis	138	333	460
241	An Act to add a new section to the Penal Code, the said section to be designated 357½, relating to the marking and branding, or altering, changing, or defacing marks and brands on domestic animals. Sims	138		
242	An Act to amend Section 357 of the Penal Code, relating to marking and branding, changing, altering, or defacing the marks and brands of domestic animals. Sims	138		
243	An Act to amend Sections 628, 632, and 635 of the Penal Code and to add thereto a new section numbered 636, all relating to the preservation of fish. Belshaw	139	302	
244	An Act to amend an Act entitled "An Act to require an inventory of State and county property, and directing that a record of the same be kept," approved February 9, 1897. Simpson	139	460	549
245	An Act making an appropriation for the payment of services rendered since March 31, 1897, by an additional counsel employed to assist the Attorney-General of the State in the defense of the suit of the Southern Pacific Company against the Board of Railroad Commissioners in the United States Circuit Court. Byrnes	139	1008	
246	An Act to amend Section 638 of the Civil Code of the State of California. Devlin	139	370	635
247	An Act adding eighteen new sections to the Political Code, to be numbered consecutively, 1357 to 1374, both inclusive, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections, and repealing all Acts inconsistent therewith, and also repealing Sections 1118 and 1119, and Sections 1357 to 1380, both inclusive, of the Political Code. Welch	139		
248	An Act to amend Section 791 of the Political Code of the State of California, relating to the appointment and commissioning of notaries public for the several counties of the State of California. Sims	139	1038	1204
249	An Act to create a fireman's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State. Leavitt	197		
250	An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 18, 1883, and the amendments thereto, approved March 19, 1889, and March 26, 1895, respectively. Caldwell	197		
251	An Act to amend Section 2955 of the Civil Code of California, respecting the mortgaging of personal property. Caldwell	198		
252	An Act providing for the submission of the proposition of the license and sale, or prohibition of the sale, of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes. Caldwell	198		
253	An Act to amend Section 2955 of the Civil Code of the State of California, relating to the mortgaging of personal property in the State of California. Sims	198	1041	
254	An Act to add a new section to the Political Code of the State of California, to be numbered 3805½, concerning the cancellation of certificates of sale under void assessments for taxes, or when a deed made to the State under a sale of lands to the State for the non-payment of taxes would be void, to cancel the same. Selvage	198		
255	An Act making an appropriation for the purpose of placing a flume and floodgates at the mouth of Lake Earl, in Del Norte County, and providing for the manner of its expenditure. Selvage	198		

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asm'ly
256	An Act to amend Section 208 of the Penal Code of the State of California. Corlett	198		
257	An Act to amend Section 207 of the Penal Code, relating to the crime of kidnaping. Corlett	198		
258	An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation. Maggard	198		
259	An Act making an appropriation to pay the claim of J. E. Edson. Shortridge	198	337	483
260	An Act to provide for the completion and equipment of the building now being constructed for the use of the State Normal School of San Diego, and making an appropriation therefor. Nutt	198	352	861
261	An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace. Nutt	198		
262	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered 3859, and to amend Sections 3804, 3825, and 3881, relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made. Currier	198		
263	An Act authorizing the Secretary of State to appoint two additional clerks in his office, in addition to the number now allowed by law, fixing the compensation of such clerks, and repealing Section 422 of the Political Code, relating to special clerks in the office of Secretary of State. Salvage	199	461	659
264	An Act authorizing and directing the State Board of Health to conduct examinations relative to the purity of foods, drinks, and drugs, to enforce laws relating thereto, and making an appropriation to pay the expenses of such examinations Tyrrell of San Francisco	199		
265	An Act appropriating \$100,000 for the erection, equipment, and furnishing of buildings for the use of the San Francisco State Normal School. Wolfe	199	848	986
266	An Act providing for the publication of legal or official advertising. Luchsinger	199		
267	An Act to amend Section 1 of an Act entitled "An Act relating to mutual beneficial and relief associations," approved March 28, 1874. Byrnes	199	333	449
268	An Act to make an appropriation to pay the claim of John S. Wilkins for services rendered for the State Quarantine Office, as messenger and clerk therefor during the year 1900, from January, 1900, to September, 1900, inclusive. Cutter	199	366	548
269	An Act making an appropriation to pay the claims of certain employes of the State Printing Office. Leavitt	208	291	392
270	An Act to amend Section 623 of the Penal Code, relating to the mutilation and injury of books and other property deposited in any public library, gallery, museum, fair, or exhibit. Devlin	208	763	
271	An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor. Caldwell	208		
272	An Act appropriating \$7,000 for the construction of storm-water drains on the grounds of the Southern California State Hospital, at Patton, California. Caldwell	208	901	
273	An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor. Caldwell	208		
274	An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor. Caldwell	208	902	
275	An Act to provide for certain improvements at the Southern California State Hospital, and making an appropriation therefor. Caldwell	208		
276	An Act relating to negotiable instruments, being an Act to establish a law uniform with the laws of other States on that subject. Nutt	208		
277	An Act to amend the Penal Code by adding a new section to Title XV thereof, to be known as Section 637a, for the protection of meadow-larks. Taylor	208	783	1054
278	An Act to amend Section 278 of the Penal Code of California, relating to child-stealing. Lukens	208	369	633

Number.	TITLE.	Intro-duced.	Passed Senate.	Passed As Amby.
279	An Act to amend Section 237 of the Penal Code of California, relating to the punishment for false imprisonment. Lukens.	208	356	462
280	An Act to add a new section to the Political Code, to be known as Section 1890, relating to the formation of public school districts. Pace.	209		
281	An Act to add a new section to the Penal Code of the State of California, to be numbered 637½, relating to the preservation of game in National parks in the State of California. Pace.	209		
282	An Act to amend Sections 1503, 1521, 1663, 1770, 1771, 1772, 1775, 1787, 1788, 1789, 1790, 1791, 1792, and 1793 of the Political Code of the State of California, relating to public schools. Smith of Kern.	209		
283	An Act to amend Section 92 of the Civil Code. Ashe.	209		
284	An Act to add a new section to the Civil Code of the State of California, to be known as Section 108, relating to divorces. Ashe.	209		
285	An Act to amend Sections 4, 5, 8, 10, and 12, of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties, in the State.'" Welch.	209	1038	1184
286	An Act to amend Section 849 of the Penal Code of the State of California, relating to arrests. Lukens.	213		
287	An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 258, relating to the publication of portraits and caricatures," approved February 23, 1899. Davis.	213		
288	An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property. Davis.	213	972	1136
289	An Act to declare the Sonora and Big Meadows Wagon Road, commencing at Sonora, in Tuolumne County, and running thence across the summit of the Sierra Nevada Mountains to Bridgeport, in Mono County, a State highway. Davis.	213	367	658
290	An Act making an appropriation to pay the claim of A. I. McSorley for costs of suit in foreclosing suit against delinquent purchasers of State school lands. Davis.	213	972	1155
291	An Act to amend Section 1699 of the Code of Civil Procedure, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees. Curtin.	213	324	461
292	An Act to amend Section 726 of the Code of Civil Procedure, relating to actions for the foreclosure of mortgages, for the sale of property in such actions, and for the making of deeds in such actions. Curtin.	213	365	462
293	An Act to amend Section 1882 of the Political Code, by increasing the number of years for which bonds may be issued. Selva.	213		
294	An Act to provide for the appointment of a mining inspector in each congressional district in the State, to define his duties and provide for his compensation, and the liability of mining operators. Tyrrell of Nevada.	213		
295	An Act to amend Section 1 of an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893. Tyrrell of Nevada.	213		
296	An Act amending Section 1570 of the Penal Code of the State of California, relative to the disposition of fines and forfeitures collected by any court in the State of California. Oneal.	214		
297	An Act to authorize any taxpayer to bring an action on his relation in the name of the State, to abate any public nuisance in any way affecting him, or his family, or his property. Smith of Kern.	214		
298	An Act to amend Section 379 of the Code of Civil Procedure. Smith of Kern.	214	624	860
299	An Act to amend Section 290 of the Civil Code, relative to articles of incorporation. Nelson.	214	887	
300	An Act to amend Section 305 of the Civil Code, relating to corporations. Nelson.	214		
301	An Act to amend Section 412 of the Penal Code. Nelson.	214		

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
302	An Act making an appropriation to pay the judgment for \$11,050, and accrued interest thereon, obtained in the Superior Court of the City and County of San Francisco on September 30, 1898, in an action in said court numbered 62,826, entered of record October 10, 1898, in Judgment Book 43, page 680, Department Four, now held by the California Bank, Oakland, assignee of J. C. Daly plaintiff, against the State of California, defendant. Judiciary Committee	221	460	548
303	An Act making an appropriation to pay the judgment of J. R. Hanify, plaintiff, against the State of California, defendant, numbered 91,512, in Justice Court of the City and County of San Francisco, judgment rendered February 7, 1899. Judiciary Committee	221		
304	An Act to pay the claim of Charles F. Wells against the State of California, and making an appropriation therefor. Hoey	223	784	1026
305	An Act regulating the hours of service on regular duty by members of the police department of cities, and cities and counties. Hoey	223	763	
306	An Act to amend an Act entitled "An Act limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works; imposing penalties for violations of the provisions of this Act, and providing for the enforcement thereof," approved March 20, 1899. Tyrrell of San Francisco	224		
307	An Act to prevent the sale of raw materials, and the manufacture in penal institutions in the State of California of any article of commerce other than jute bags, cut stone for arches in bridges and culverts for State highways, county or district roads, broken stone for State and county roads, streets, lanes, alleys, and courts of cities and towns, and articles consumed in State institutions, and to provide for the sale thereof at actual cost of production. Tyrrell of San Francisco	224		
308	An Act to amend Section 1970 of the Civil Code of the State of California in relation to the obligations of employers. Tyrrell of San Francisco	224		
309	An Act to add a new section to the Civil Code of the State of California, to be known as Section 1972 of the Civil Code of the State of California, in relation to the obligations of employers. Tyrrell of San Francisco	224		
310	An Act to regulate the practice of pharmacy and sale of poisons in the State of California. Laird	224	830	1085
311	An Act appropriating money for the payment of claims against the State arising in the counties of Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, and Trinity, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891. Laird	224	791	889
312	An Act to provide for the payment of judgments against counties, cities and counties, and towns. Lukens	224		
313	An Act to amend subdivision two of Section 1, Article III, of an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a board of directors for the government thereof, and appropriating the sum of \$65,000 for the support of said home," approved March 17, 1887. Burnett	224		
314	An Act to amend Section 3790 of the Political Code of the State of California. Nutt	224		
315	An Act to amend Section 3823 of the Political Code of the State of California. Nutt	224		
316	An Act to amend Section 1670 of the Political Code of the State of California, relating to high schools. Lardner	224		
317	An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commission for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895. Taylor	225		

Number	TITLE.	Intro- duced	Passed Senate	Passed As- sembly
318	An Act to assist the City and County of San Francisco in grading and making a cut through the hill on Folsom street, in said city and county, between Ripley Street and Crescent Avenue, and making an appropriation therefor. Welch.....	225		
319	An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885. Devlin.....	225	857	1004
320	An Act to provide in whose name title to the site or sites for the construction of the works provided for in the Act of the Legislature of the State of California, entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893, and the amend-ments thereto. Cutter.....	225	592	660 687
321	An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays. Cutter.....	225	883	1122
322	An Act amending Section 751 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the officers of cities of the fifth class. Cutter.....	225	642	675
323	An Act amending Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the election and terms of office of officers of cities of the fifth class. Cutter.....	225		
324	An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep. Cutter.....	226		
325	An Act regulating imposition of licenses by counties and municipal corporations in certain cases. Cutter.....	226		
326	An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep. Cutter.....	226		
327	An Act for the better protection of agricultural interests by restricting the licensing by counties of cultivation of the soil and of the raising of domestic stock. Cutter.....	226		
328	An Act to amend Section 3951 of the Political Code of the State of California, relating to the boundaries of the County of San Mateo. Byrnes.....	226		
329	An Act to amend Sections 1915, 1917, and 1920 of the Civil Code, relating to legal rate of interest. Cutter.....	232		
330	An Act to amend Sections 25 and 52 of an Act entitled "An Act to establish a uniform system of county and township govern-ment," approved April 1, 1897, relating to powers of Supervisors of counties. Currier.....	232		
331	An Act to add two new sections to the Political Code, to be numbered 3805a and 3805b, to reenact Section 3859 of said code, and to amend Sections 3629, 3632, 3638, 3649, 3747, 3785, 3804, 3805, 3817, 3823, 3825, 3881, and 3884 of said Code, all relating to the revenue and taxes of this State, and fixing the time within which claims for refunds of taxes must be made. Selvage.....	232	903	1162
332	An Act to provide for prosecuting attorneys of police courts in cities of the second class, and regulating the compensation of such officers. Leavitt.....	232	1003	1153
333	An Act making an appropriation to pay the claim of William Cronan, for extra work performed in the construction of the Union Depot and Ferry House at San Francisco. Tyrrell of San Francisco.....	232	902	1055
334	An Act to assign certain blocks of State property in the City and County of San Francisco to be part of the free public market established by the Act approved March 29, 1897. Oneal.....	233		

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As'mbly
335	An Act to amend an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner," approved March 24, 1893. Davis.....	233		
336	An Act to amend Article CLXI, Subdivision 15, of the County Government Act. Oneal.....	233		
337	An Act to amend Section 337 of the Code of Civil Procedure of the State of California, relating to the time within which certain actions must be commenced. Laird.....	233		
338	An Act to repeal Section 13 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Oneal.....	243		
339	An Act to amend Section 3051 of the Civil Code of the State of California, in reference to liens for services, by providing for a lien for laundry work done by the proprietors of laundries and persons conducting a laundry business. Bettman.....	243	593	661
340	An Act to define the duties of and to license land surveyors, approved March 31, 1891. Belshaw.....	243		
341	An Act to add a new section to the Penal Code, to be numbered 246, defining the offense of malicious assault with a deadly weapon or instrument, by a person confined in the State Prison under life sentence, and prescribing the punishment therefor. Belshaw.....	243	356	462
342	An Act to amend Section 1369 of an Act entitled "An Act to establish a Code of Civil Procedure of the State of California," approved March 11, 1872, relating to persons entitled to administer upon estates of deceased persons. Ashe.....	243		
343	An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the estates of deceased persons. Ashe.....	243		
344	An Act to amend Section 1379 of the Code of Civil Procedure, relating to the administration of estates of deceased persons. Ashe.....	243		
345	An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to estates of deceased persons. Ashe.....	243		
346	An Act to amend Section 1727 of the Code of Civil Procedure of the State of California, relating to public administrators. Ashe.....	243	1239	
347	An Act to amend Section 1543 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the County Superintendent of Schools. Smith of Los Angeles.....	243		
348	An Act to provide for the appointment of a commission to promote prison reform, and to that end to investigate and report upon the feasibility of establishing a prison for the confinement and reformation of prison convicts, to select a site therefor and secure an option or purchase therefor, and submit sketch plans and specifications for said prison; and to investigate and report upon the feasibility of segregating prisoners in the State prisons into classes, with a view to the confinement of incorrigibles at the other prisons, and the confinement of those capable of reformation at other prisons of the State, and to make an appropriation for such purposes. Smith of Los Angeles.....	243		
349	An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts. Smith of Los Angeles.....	244		
350	An Act to create the office of State Dentist for the State Asylums, to prescribe his duties, and provide for the payment thereof. Simpson.....	244		
351	An Act to protect the manufacturing industries of this State. Burnett.....	244		
352	An Act entitled an Act to regulate the sale of wood alcohol in the State of California. Laird.....	244		

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
353	An Act to appropriate the sum of \$1,856.78, to pay the claim of Howard M. Sitton, on bond of the State of California issued under the Act of the Legislature of the State of California, approved April 25, 1857, authorizing the Treasurer of the State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of the State. Devlin.....	244		
354	An Act to amend Sections 3571 and 3572 of the Political Code, relating to public lands and funds. Corlett.....	244		
355	An Act providing for the submission and enactment of ordinances by the direct vote of the qualified voters of counties, cities, and towns. Nutt.....	244	1095	
356	An Act making an appropriation to pay the claim of Bateman Bros., for work performed in the construction of the Union Depot and Ferry House in the City and County of San Francisco. Cutter.....	244	792	1122
357	An Act to amend Section 4045 of the Political Code of the State of California, relating to the powers of Boards of Supervisors in their respective counties, to impose a license tax, at a rate to be fixed annually by them, upon certain named persons, occupations, and business. Lukens.....	244		
358	An Act making an appropriation for a State prize, or trophy, to be competed for at the third National Bundes Shooting Festival, which is to be held in Berkeley, County of Alameda, State of California, from July 14 to July 23, 1901. Wolfe.....	252	435	
359	An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor. Devlin.....	252		
360	An Act to amend Section 3 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March 27, 1895. Oneal.....	252		
361	An Act to amend Sections 1917, 1918, 1936, 1939, 1962, 1980, 1984, 2009, 2076, 2077, and 2105; to repeal Section 1990, and to add new sections, to be known and numbered as Sections 1973a, 2106, all of and to the Political Code of the State of California, relating to the National Guard. Hoey.....	252		
362	An Act making an appropriation for the support and maintenance of the University of California, and prescribing the duties of the Controller and Treasurer in relation thereto. Lukens.....	252		
363	An Act to repeal an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and all expenses connected therewith," which Act became a law March 7, 1899. Lukens.....	252		
364	An Act to authorize and direct the transfer from the General Fund to the University Fund of the sum of \$43,758, the balance remaining in the General Fund of the appropriation made by an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and all expenses connected therewith" (which Act became a law without the Governor's approval March 7, 1899), and prescribing the duties of the Controller and Treasurer in relation thereto. Lukens.....	253		
365	An Act for the relief of J. E. Atkinson, for personal injuries received by him while in the service of the State. Corlett.....	253	792	924
366	An Act to authorize suits against the State concerning certain real property and regulating the procedure therein. Flint.....	253	632	746
367	An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners. Finance Committee.....	253	334	419

Number	TITLE.	Intro-duced	Passed Senate	Passed Assembly
368	An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads. Nutt	263		
369	An Act to provide for the location, construction, and maintenance of a State highway, commencing at or near the City of San Jacinto, in Riverside County, and running thence to connection with the highway system of San Diego County, by way of the San Jacinto, Cahuilla, and Temecula valleys, and making an appropriation therefor. Caldwell	263	1134	
370	An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897. Luchsinger	263	459	661
371	An Act making an appropriation of \$750 to pay a deficiency in the appropriation for costs and expenses of suits in which the State is a party in interest. Welch	263		
372	An Act appropriating money for the payment of claims against the State, arising in the counties of Merced, Mariposa, Stanislaus, and Tuolumne, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891. Curtin	263	858	
373	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Sections 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2445, 2446, and 2468, all relating to pilots, Pilot Commissioners, and pilotage. Maggard	263		
374	An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep. Maggard	263		
375	An Act directing the State Board of Harbor Commissioners to construct a certain portion of the harbor embankment, or seawall, of the Port of San Francisco. Nelson	263		
376	An Act to remove clouds upon the title to certain lands in the State of California. Flint	263		
377	An Act to amend Section 1159 of the Civil Code, relating to notices of location of mining claims. Davis	264	452	
378	An Act fixing and defining a miner's inch of water. Davis	264	971	1170
379	An Act to provide for certain improvements in the Yosemite Valley, and making an appropriation therefor. Smith of Los Angeles	264		
380	An Act making an appropriation for the contingent expenses of the Senate, thirty-fourth session. Smith of Kern	264	326	311
381	An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 11 is ratified by the people. Davis	264		
382	An Act appropriating money for the payment of claims against the State, arising in the counties of Monterey and San Benito, based upon the provisions of an Act entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891. Flint	275	791	889
383	An Act making an appropriation of \$6,000 to be used by the Board of Managers of the Stockton State Hospital at Stockton, for the purchase of the necessary machinery and equipment, and the construction of an ice-manufacturing plant and refrigerating-room for the State Hospital at the City of Stockton, County of San Joaquin, State of California. Muenter	275	886	1156
384	An Act making an appropriation of \$8,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to purchase three new boilers for the engine-room of the male department of the State Hospital at the City of Stockton, County of San Joaquin, State of California. Muenter	276	946	1208
385	An Act making an appropriation of \$15,000, to be used by the Board of Managers of the Stockton State Hospital at Stockton, to pay for constructing a roof on the building of the female department of the State Hospital situated in the City of Stockton. Muenter	276	978	

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
386	An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to officers of a township. Muentner.....	276		
387	An Act to provide for a segregated hospital building, and for further equipping the Deaf, Dumb, and Blind Asylum at Berkeley. Lukens.....	276		
388	An Act making an appropriation for the erection of a workshop at the "Industrial Home of Mechanical Trades for the Adult Blind." Lukens.....	276		
389	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872. Lukens.....	276		
390	An Act to provide for the location, construction, and maintenance of a State highway, commencing at or near San Fernando and running thence to connect with the road known as the Fort Tejon Road, and making an appropriation therefor. Smith of Los Angeles.....	276		
391	An Act to amend Section 2527 of the Political Code of the State of California, and to validate all contracts for harbor improvements made thereunder. Davis.....	276		
392	An Act concerning confirming and ratifying leases and other contracts made by any officer or boards of officers of this State. Davis.....	276	995	1086
393	An Act to amend Section 2524 of the Political Code of the State of California. Davis.....	276	1104	1123
394	An Act to amend Section 2921 of the Political Code of the State of California. Davis.....	276		
395	An Act to enable steam railroad companies to complete their railroads, and authorizing the construction of railroads. Davis.....	277		
396	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880, approved March 19, 1889, conferring further powers upon the said Board," approved March 26, 1895. Davis.....	277	1121	1124
397	An Act to amend Section 10 of an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897. Currier.....	277		
398	An Act to pay the claim of Louise Rienzi against the State of California. Smith of Kern.....	277	977	995
399	An Act adding a new section to the Penal Code, to be numbered and designated as Section 374½, relating to discharging or depositing coal tar and similar products in any of the navigable waters of the State. Nelson.....	277	1249	1212
400	An Act to reduce the expense to the State of California for the transportation of convicted felons, insane persons, and persons committed to the various hospitals, asylums, reformatories, and other public institutions of the State of California, and to amend, in that behalf, the Act approved March 15, 1885, entitled "An Act to amend an Act entitled 'An Act to allow compensation to Sheriffs for conveying prisoners to State prisons and insane persons to the insane asylum,'" approved March 14, 1885, and providing for compensation to Sheriffs for service rendered since the 14th day of March, 1885. Nelson.....	277		
401	An Act amending Section 1521 of the Political Code, relating to the State Board of Education; providing for the appointment of three text-book commissioners; prescribing their duties and fixing their compensation; providing for the publication of a uniform series of text-books; making an appropriation and authorizing the use of money derived from sale of text-books for carrying out the purpose of this Act; repealing Sections 1519, 1663, 1665, 1666, and 1874 of the Political Code. Devlin.....	277		
402	An Act making an appropriation to pay for an air compressor and a turning lathe for the State Prison at Folsom. Devlin ..	277	890	

Number	TITLE.	Intro- duced.	Passed Senate	Passed As'mbly
403	An Act to amend the Penal Code of the State of California by adding thereto two new sections, to be known as Sections 63 and 64, relating to the printing and distribution of anonymous circulars referring to a candidate for nomination or election to a public office, making the same a criminal offense and providing a penalty therefor. Devlin	277	460	716
404	An Act making an additional appropriation for the support and maintenance of the State Normal School at San José, Santa Clara County, California. Oneal	278	1082	
405	An Act making an appropriation to provide for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California. Oneal	278		
406	An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Yolo and Sacramento counties the fortieth district. Cutter	285	434	858
407	An Act to amend an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897. Taylor	289	555	859
408	An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the Army and Navy of the United States. Devlin	289	791	1130
409	An Act to amend Section 963 of the Code of Civil Procedure. Davis	290	592	660
410	An Act to increase the revenue of the State of California, by imposing a license tax on the business of selling spirituous, vinous, or malt liquors, in the State of California, and providing for the regulation of such business and the collection of such license taxes. Nelson	290		
411	An Act to amend Section 460 of the Code of Civil Procedure relating to embezzlement and surrender of property of the estate. Simpson	290		
412	An Act making an appropriation of money for the purchase of one hundred and sixty acres of additional land for use of the Napa State Hospital at Napa. Corlett	301	1084	
413	An Act making appropriation of money to provide for certain improvements and repairs at the Napa State Hospital at Napa. Corlett	301		
414	An Act appropriating money for the purchase and installation of an elevator for the Napa State Hospital. Corlett	301		
415	An Act making appropriation of money for the reconstruction and repair of the sewer pipes and connections, and the plumbing and connections of the Napa State Hospital at Napa. Corlett	301	903	1091
416	An Act appropriating money for the purchase of a plant for wiring the Napa State Hospital building for electric lights. Corlett	301	882	1122
417	An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier, and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of parents to the counties from which their children are committed," approved March 26, 1895. Tyrrell of Nevada	301		
418	An Act to amend Sections 3546, 3547, and 3555 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, concerning proceedings against delinquent purchasers of State lands. Tyrrell of Nevada	301		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
419	An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of county officers, and to the number and compensation of their deputies. Muentner	301		
420	An Act to amend Sections 1, 5, and 6 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891. Belshaw	301		
421	An Act relating to contracts between persons, companies, associations, or corporations furnishing water for irrigation, and the consumers of such water. Curtin	301		
422	An Act to add a new section to the Political Code of the State of California relating to the preservation of public health. Cutter	301		
423	An Act to prevent the introduction, and provide for the suppression of contagious or infectious diseases, and appropriate money to be used for such purpose. Cutter	302		
424	An Act to amend the Penal Code by adding three new sections thereto, relating to crimes against the public health and safety. Cutter	302		
425	An Act concerning and providing for primary elections, and the time and manner of holding the same, and providing for the election of delegates to conventions of political parties at elections to be known and designated as primary elections, prescribing the qualifications of voters thereat, specifying where and when this Act shall be in force, and the procedure thereunder, and also prescribing penalties for violations thereof, and repealing all Acts inconsistent therewith; also repealing Sections 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380 of the Political Code. Nelson	320		
426	An Act providing for primary elections, and the time and manner of holding the same, wherever the Act known and designated as "The Primary Law of 1901" is not in force. Nelson	320		
427	An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age. Nelson	321	829	1121
428	An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California. Nelson	321		
429	An Act to define the duties and liabilities, and to limit the powers of employment agents. Nelson	321		
430	An Act to amend Section 685 of the Political Code, relating to the Board of Examiners, and providing for the appointment of clerks of said board. Wolfe	321	884	1120
431	An Act making an appropriation for the payment of salaries of additional clerks in the office of Secretary of the Board of Examiners for the balance of the fifty-second fiscal year. Wolfe	321		
432	An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899. Devlin	321	936	1103
433	An Act adding fifteen new sections to the Political Code, to be numbered, consecutively, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, and 1380, concerning elections, and providing for the election of delegates to conventions of political parties at elections known and designated as primary elections within counties, and municipal corporations of the first, second, third, fourth, fifth, and sixth classes, and in any consolidated city and county within this State. Shortridge	321		
434	An Act to amend an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889. Shortridge	321	719	953
435	An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1596, relating to the furnishing by the Wardens of the State prisons of the State of California a photograph and a complete description of each convict sixty days before such convict is released from said State prison. Corlett	321		

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
436	An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town other than cities of the first class, to refund its indebtedness, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897, by amending Sections 1 and 3 thereof, relating to the refunding of indebtedness of incorporated cities or towns, the issue of bonds therefor, the levy of tax for payment thereof, and the disposition of moneys raised thereby. Davis.....	321	719	748
437	An Act to amend Section 3818 of the Political Code, relating to public lands and revenue and taxation. Sims	322		
438	An Act to amend Sections 204 and 205 of the Code of Civil Procedure, relating to the selecting and returning of jurors. Sims.	322		
439	An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employer and employes in the State of California. Tyrrell of San Francisco.....	322		
440	An Act to provide for the compilation, printing, binding, and publishing of a Legislative Manual and State Blue Book, or Roster, making a continuous appropriation for same, and repealing conflicting Acts. Devlin	322		
441	An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee. Belshaw	322		
442	An Act to amend Section 1665 of the Code of Civil Procedure of the State of California, relating to the distribution of the residue of the estates of decedents. Belshaw	322		
443	An Act to amend Section 1466 of the Code of Civil Procedure of the State of California, relating to the allowance out of the estate of a decedent for the support of the widow and children, or either. Belshaw	322		
444	An Act concerning the fees of jurors in civil cases. Belshaw	322		
445	An Act to amend Section 1970 of the Civil Code of the State of California in relation to the obligations of employers. Oneal.	322		
446	An Act to amend Sections 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862 of the Political Code of the State of California, relating to the collection of poll-tax. Nelson.....	322		
447	An Act to divide the State into legislative districts, and to provide for the election of Senators and Assemblymen therein. Cutter	322	860	1044
448	An Act regulating the keeping of restaurants to which are connected lodging rooms, or rooms furnished with sleeping accommodations, in which meals, liquors, beer, wine, or other drinks are sold or served, and providing for the keeping of a register of names of occupants of such rooms, and the investigation, inspection, and examination of such register and rooms by the police authorities and Sheriff of the place where such restaurants are located; and providing a penalty for violation of the conditions of such regulations. Corlett	331		
449	An Act to add a new section to the Political Code, and to provide for the waiver and release to the United States by this State of its right, title, and interest in certain sixteenth and thirty-sixth sections of land. Oneal	332		
450	An Act to amend an Act entitled "An Act making it unlawful to refuse admission to places of amusement." Committee on Corporations	332	618	
451	An Act for the payment of the fees due to trial jurors who have served as such in the Superior Court of the City and County of San Francisco under the Act of 1895. Burnett.....	332	923	1200
452	An Act providing for the creation of road districts in counties of the twelfth class, creating the office of Roadmaster therein, and providing for the election and duties of Roadmaster. Luchsinger	332		
453	An Act to provide for the location, construction, and maintenance of a State highway, commencing at a point in Contra Costa County at or near the residence of W. H. Buckley, on the Fish Ranch Road, and running thence to the western end of what is known as Kennedy's Tunnel, in Alameda County; creating the Alameda-Contra Costa Highway Fund; prescribing the duties of the various officers in connection therewith, and making an appropriation therefor. Belshaw.....	332		

Number	TITLE.	Intro- duced	Passed Senate	Passed As'mbly
454	An Act making an appropriation to pay the reward offered by the Governor of the State of California, and the claim therefor of W. A. Boyd and W. H. Randal, for the arrest of Josef E. Blanthier for murder. Wolfe.....	332	981	
455	An Act to repeal An Act entitled "An Act to incorporate the town of Downieville," approved March 18, 1863; and to repeal an Act amendatory thereof entitled "An Act to amend an Act entitled 'An Act to incorporate the town of Downieville,' passed March 18, 1863," approved March 31, 1866. Davis.....	332	593	716
456	An Act to limit horse-racing to a period of thirty days in each county within the State during one year. Ashe.....	332		
457	An Act to add a new section, numbered 421, to the Penal Code of the State of California, relating to berths in sleeping-cars. Caldwell.....	350		
458	An Act for the protection of inclosed and cultivated lands in the State of California, and to prevent persons entering thereon with firearms or dogs for the purpose of hunting, pursuing, shooting, or killing game, and to repeal all Acts in conflict therewith. Caldwell.....	350		
459	An Act to amend Sections 424 and 425 of the Penal Code of the State of California, relating to crimes against the revenues and property of this State. Caldwell.....	350		
460	An Act to amend Section 178 of an Act to establish a uniform system of county and township governments, approved April 1, 1897. Caldwell.....	350		
461	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 2460 of said Political Code, relating to pilots, Pilot Commissioners, and pilotage. Luchsinger.....	350	979	1192
462	An Act to amend Section 2349 of the Political Code of the State of California, relating to public way. Luchsinger.....	350	886	1120
463	An Act to amend Section 3819 of the Political Code of the State of California. Sims.....	350	1095	
464	An Act to amend the Civil Code of the State of California, relating to the formation of corporations with unassessable capital stock, and providing for existing corporations to elect to amend their articles of incorporation, so as to have the benefit of this Act. Burnett.....	350		
465	An Act to amend subdivision seven of Section 290 of the Civil Code of the State of California, relative to the contents of articles of incorporation. Burnett.....	350		
466	An Act to amend the Civil Code of the State of California relating to the formation of corporations having unassessable capital stock. Burnett.....	351		
467	An Act making an appropriation to pay the claim of Christopher McNulty for injuries received on property belonging to the State of California. Welch.....	351	1188	1211
468	An Act to amend Section 1222 of the Code of Civil Procedure, relating to contempts. Laird.....	351		
469	An Act to amend Section 110 of the Code of Civil Procedure of the State of California. Leavitt.....	351	977	1118
470	An Act to establish police courts in cities of the third class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof. Leavitt.....	351	903	987
471	An Act making an additional appropriation for the Auditing Board to the Commissioner of Public Works. Luchsinger.....	361	974	1160
472	An Act to provide for the location, construction, and maintenance of a State highway, commencing at the City of Vallejo, Solano County, and running thence to connect with the highway system of Solano County, by way of American Cañon at Fairfield, the county seat of Solano County, and making an appropriation therefor. Luchsinger.....	361		
473	An Act adding a new section to the Political Code of California, to be numbered Section 3248, relating to the branding and labeling of convict-made goods. Burnett.....	361	632	924
474	An Act to provide for the classification of the term of office of Supervisors in certain counties. Smith of Kern.....	361		
475	An Act to add a new section to the Political Code of the State of California, to be numbered 1120, relating to registrations. Taylor.....	361		

Number	TITLE.	Intro- duced	Passed Senate.	Passed As'mbly
476	An Act making an appropriation to pay the County of Alameda for the support of orphans, half orphans, and abandoned children during the half year ending June 30, 1898. Taylor.....	361	829	
477	An Act to amend Section 455 of the Penal Code of the State of California, relating to the punishment of arson. Davis.....	361	972	1201
478	An Act to provide for the marking or branding of boxes or barrels containing citrus fruit for shipment, and fixing a penalty for the violation thereof, and for the appointment of an inspector under its provisions. Caldwell.....	361	1040	1200
479	An Act to amend Section 1000 of the Political Code, relating to appointive power of the Governor. Oneal.....	361	809	986
480	An Act to amend the Civil Code of the State of California by adding a new section thereto, to be designated and numbered Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases. Tyrrell of Nevada.....	361		
481	An Act to amend Sections 189 and 190 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Davis.....	371	971	1201
482	An Act to add a new section to the Political Code, to be numbered 3901, relating to the commencement of actions to determine the legality of assessments and proceedings in pursuance whereof real estate has been sold to the State for delinquent taxes. Davis.....	371	975	1200
483	An Act to amend Section 3628 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessments, how and by whom made. Curtin.....	371	936	1163
484	An Act to amend Section 1 of "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891, approved March 31, 1897. Nutt.....	378		
485	An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest. Belshaw.....	389	1117	
486	An Act to add a new section to the Political Code of the State of California, to be known as Section 4088, providing for Boards of Supervisors to offer a reward for the arrest of any person who has committed a felony, and for payment of same. Belshaw.....	389	1083	
487	An Act to amend Section 1373 of the Code of Civil Procedure of the State of California, relating to the application for letters of administration on estates of deceased persons. Oneal.....	389		
488	An Act to amend Section 1668 of the Code of Civil Procedure of the State of California, relating to the decree of distribution of the estates of deceased persons. Oneal.....	389		
489	An Act to amend Section 1552 of the Code of Civil Procedure of the State of California, relating to the administration of the estates of deceased persons. Oneal.....	389		
490	An Act to amend Section 1633 of the Code of Civil Procedure of the State of California, relating to the time of settling the accounts of executors and administrators. Oneal.....	389		
491	An Act to amend Section 1699 of the Code of Civil Procedure of the State of California, relating to the accounts of trustees. Oneal.....	389		
492	An Act to amend Section 331 of the Penal Code, relating to the use or rental of any house or lot for the purpose of gaming, and prohibiting such use, and fixing the penalty therefor. Corlett.....	389		
493	An Act to amend Section 330 of the Penal Code, relating to the prohibition of gaming, and fixing the penalty therefor. Corlett.....	389		
494	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 26, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation. Flint.....	393		

Number	TITLE.	Intro- duced	Passed Senate.	Passed Assembly
495	An Act to prohibit the payment of any bond, or the interest coupon of any bond, and to prevent the commencement of any action, or the rendering or enforcing of any judgment, for the payment of any bond or interest coupon of any bond, of any county, city, city and county, town, township, or district in the State of California, until the taxes upon such bond or coupons have been fully paid; also providing for the taxing of bonds. Pace	393		
496	An Act entitled "An Act to amend Section 3494 of the Political Code of the State of California," providing for the amount of the purchase price and the time and terms of payment of school lands belonging to the State of California. Pace	393		
497	An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor. Pace	393		
498	An amendment to an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 200 thereof, relating to county officers, their compensation and expenses, in counties of the forty-third class. Pace	393		
499	An Act to amend the Code of Civil Procedure by adding a new section to Part III, Title II thereof, relative to contesting elections, said section to be numbered 1128. Tyrrell of San Francisco	394	1144	1199
500	An Act to amend Sections 419, 437, 447, 449, and 450 of the Civil Code, relating to insurance corporations. Taylor	394		
501	An Act to amend Section 604 of the Political Code of the State of California, relating to the office of Insurance Commissioner. Taylor	394		
502	An Act to amend Sections 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code, relating to mutual building and loan associations and other similar corporations; repealing Section 648½ of the Civil Code, and all Acts and parts of Acts in conflict with this Act. Taylor	394		
503	An Act to amend an Act entitled "An Act to regulate the sale of certain poisonous substances," approved April 16, 1880. Burnett	394		
504	An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California. Tyrrell of Nevada	394		
505	An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889. Smith of Los Angeles	394		
506	An Act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 23, 1876. Smith of Los Angeles	394		
507	An Act to regulate the practice of architecture. Smith of Los Angeles	394		
508	An Act to amend Section 3440 of the Civil Code of the State of California, relating to certain transfers presumed fraudulent, and regarding the recording of notices of intention to sell certain personal property. Wolfe	400	754	1057
509	An Act to appropriate \$1,015 to pay the claim of Thomas D. Riordan for legal services rendered and expenses incurred by him in that certain action commenced in the Superior Court of the State of California, in and for the City and County of San Francisco, and which was therein entitled The People of the State of California, by Tirey L. Ford, Attorney-General, plaintiff, vs. Charles F. Curry, as Secretary of State of the State of California, No. 73,277, and decided on appeal by the Supreme Court of the State of California, and therein entitled The People of the State of California, plaintiff and appellant, vs. Chas. F. Curry, as Secretary of State of the State of California, defendant and respondent, and numbered San Francisco No. 2442. Davis	401		
510	An Act to establish the California State Poultry Experimental Farm, and appropriating money therefor. Sims	413		
511	An Act regulating and limiting the sale of convict-made articles, and providing a penalty for the violation of same. Luchsinger	413		
512	An Act to provide for the appointment of a Board of Monterey Custom House Trustees, and for the acquisition of the control of the Monterey Custom House property, and providing for an appropriation for the preservation, protection, and improvement of said property. Flint	413	894	983

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmby
513	An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written. Simpson	424	937	
514	An Act to amend Section 857 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Simpson...	424		
515	An Act supplemental to an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874. Tyrrell of San Francisco	425		
516	An Act to amend Section 14 of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners. Smith of Los Angeles	425		
517	An Act to provide for the purchase of library books, periodicals, and magazines for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same. Smith of Los Angeles	425		
518	An Act to provide for the building of a blacksmith shop, wood-working and carpenter shop, and for the necessary machinery for equipping and operating the same at the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same. Smith of Los Angeles	425	1082	1125
519	An Act to provide for the purchase of sewing machines for replacing the sewing machines now worn out in the tailor shop and girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same. Smith of Los Angeles	425		
520	An Act to provide for the purchase and installation of additional bathtubs for the girls' department of the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same. Smith of Los Angeles	425		
521	An Act to amend Section 2 of an Act entitled "An Act entitled an Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893. Currier	425		
522	An Act making an appropriation to pay the claim of Jo D. Sproul, District Attorney of Butte County, for costs of suit in foreclosing delinquent purchasers of State school lands, and directing payment of same. Maggard	425	1170	
523	An Act limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this Act, and providing for enforcement thereof. Welch	425		
524	An Act to provide for the issuance and sale of State bonds, to create a fund for the construction and extension by the Board of State Harbor Commissioners of the seawall and thoroughfare of the Harbor of San Francisco, on the water front of the City and County of San Francisco; to create a sinking fund for the payment of said bonds and the interest thereon, and to provide for the submission of this Act to a vote of the people. Nelson	425		
525	An Act to add a new section to the Political Code, to be known as Section 3365, relating to licenses. Tyrrell of Nevada	426		
526	An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fiftieth fiscal year. Laird	426		
527	An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons. Devlin	426	979	

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
528	An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incur, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof so that the purchaser, incumbrancer, mortgagee, or grantee, or pledger of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking. Belshaw.....	432		
529	An Act to amend Section 183 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to salaries and fees of county and township officers, and providing for a deputy county clerk, deputy sheriff, and deputy assessor, and for the fees of trial jurors in criminal cases, and grand jurors. Belshaw.....	433		
530	An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by an attachment in an action wherein the said persons, partnership, corporation, or association is not the alleged debtor; to release the property, or interest therein claimed, from the attachment lien and levy; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking; and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted. Belshaw.....	433		
531	An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted. Belshaw.....	433		
532	An Act to protect depositors of money in savings banks, and to facilitate the circulation of money by regulating the interest on deposits and on loans. Belshaw.....	433		
533	An Act to provide for the organization and management of State mutual fire insurance companies. Carrier.....	433		
534	An Act to amend Section 3714 of the Political Code of the State of California, relating to county taxes. Carrier.....	433		

Number	TITLE.	Intro- duced.	Passed Senate	Passed Assembly
535	An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties, and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected. Nutt.....	433	885	
536	An Act to amend Section 685 of the Code of Civil Procedure, relating to the enforcement or carrying into execution of judgments after the lapse of five years from the date of entry. Nutt.....	434		
537	An Act to amend Section 3519 of the Political Code of the State of California, relating to swamp and overflowed land. Selvage.....	434		
538	An Act to provide for the payment of judgments against counties, cities, cities and counties, and towns. Lukens.....	434	1166	1199
539	An Act to provide for a continuous appropriation for the support and maintenance of the University of California, to be an item of the general appropriation bill, and prescribing the duties of the Controller and Treasurer in relation thereto. Lukens.....	443	743	1054
540	An Act making an appropriation of \$200,000 for the support and maintenance of the University of California, providing for the time of the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto. Lukens.....	443	520	747
541	An Act making an appropriation of \$50,000 for the use and benefit of the University of California, directing the special purpose therefor, and prescribing the duties of the Controller and Treasurer in relation thereto. Lukens.....	444	602	747
542	An Act making an appropriation to the Board of Directors of the California State Agricultural Society, for the purpose of making certain improvements, alterations, and additions upon the grounds of said society. Committee on Finance.....	444		
543	An Act making an appropriation to pay for the providing of additional committee rooms in the attic of the State Capitol, and requiring that the work be done under the direction of the Secretary of State. Corlett.....	444		
544	An Act to promote the horticultural interests of the State by providing County Boards of Horticultural Commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture," approved March 31, 1897. Corlett.....	444		
545	An Act to provide for the exportation of non-citizen inmates of the State hospitals for the insane, and making an appropriation therefor. Oneal.....	444		
546	An Act to declare the Alturas and Lake View Wagon Road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor. Laird.....	444	1003	1157
547	An Act amending Section 165 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Nutt.....	448	887	953

Number	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
548	An Act to amend Section 2643 of the Political Code, relating to duties of Supervisor respecting roads. Caldwell	448	1188	1198
549	An Act to amend Sections 7 and 8 of the Civil Code of the State of California, relating to legal holidays. Flint	448	1045	
550	An Act to amend Sections 10 and 11 of the Political Code of the State of California, relating to legal holidays. Flint	448	1045	
551	An Act to amend Sections 10, 11, and 134 of the Code of Civil Procedure of the State of California, relating to legal holidays and non-judicial days. Flint	448	1046	
552	An Act creating the office of Game Commissioner, and defining his duties. Committee on Fish and Game	449	910	1073
553	An Act to establish a State reform school for females under the age of twenty-one years, and to make an appropriation therefor. Caldwell	458	923	
554	An Act to prohibit the paying of employes while he or they are in any public saloon, or barroom, or restaurant. Tyrrell of San Francisco	458	890	1172
555	An Act to provide for removing obstructions in Pit River, above the mouth of Hat Creek, so as to enable salmon to reach the spawning grounds on the upper waters of said river and its tributaries. Laird	458	885	1155
556	An Act to add a new section to the Penal Code, to be numbered 380a, relating to the regulation of the marking, identifying, and sale of products of crude oil and petroleum used for illuminating and fuel purposes. Carrier	458	899	1157
557	An Act authorizing and directing the satisfaction and discharge of any judgment or judgments held by the State of California against any person or persons arising from their having been bondsmen for any former officer of said State, upon the performance of certain conditions. Byrnes	458	753	927
558	An Act making an appropriation of \$20,000 for the expenses of maintaining, repairing, improving, and protecting the Lake Tahoe Wagon Road, together with its bridges and culverts, during the fifty-third and fifty-fourth fiscal years. Lardner	550		
559	An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same. Committee on Finance	550	602	662
560	An Act requiring corporations organized under the laws of another State, Territory, or foreign country to file a certified copy of their articles of incorporation in the office of the Secretary of State, and a certified copy thereof, duly certified by the Secretary of State of this State, in the office of the County Clerk of the county where its principal place of business is located, and also where such corporation owns property, and requiring such corporation to pay to the Secretary of State the same fees as are paid by corporations formed under the laws of the State of California, and providing for a penalty for the violation of the provisions of this Act. Committee on Finance	550	603	858
561	An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other livestock, except for medicinal purposes, and making the same a misdemeanor. Leavitt	551	717	952
562	An Act entitled "An Act to amend an Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, and to add a new section thereto, enlarging the powers of Boards of Directors of such districts. Devlin	555	1081	1202
563	An Act to amend Section 2712 of the Political Code, relating to the construction, maintenance, and repairs of bridges and tunnels or the purchase of toll-roads. Belshaw	563	881	1121
564	An Act to add a new section to the Political Code, to be known as Section 2647 of the Political Code, relating to the duties and powers of Boards of Supervisors respecting roads. Luchsinger	563		
565	An Act to amend Sections 3666, 3667, 3668, 3669, and 3670 of the Political Code of the State of California, relating to the collection of State, county, city and county, township, road, school, and other local district taxes levied upon property of rail-ways assessed by the State Board of Equalization. Nutt	563		

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
566	An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation. Committee on Fish and Game	563		
567	An Act authorizing school districts managed by Boards of Education or Directors to establish and maintain day schools for the deaf, and authorizing payment therefor from the State Common School Fund. Smith of Los Angeles	563		
568	An Act to amend Section 1197 of the Political Code, relating to elections. Smith of Los Angeles	563	889	989
569	An Act to execute and carry into effect Section 3 of Article XXII of the Constitution of the State of California. Tyrrell of San Francisco	578	1075	1133
570	An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Byrnes	585		
571	An Act empowering and authorizing the Board of State Harbor Commissioners to insure against loss or damage by fire the property of the State of California located on the water-front at San Francisco, California. Sims	585	895	1155
572	An Act making an appropriation to pay the claim of W. J. Ping for rent paid for house at Glen Ellen, while farm overseer at the California Home for the Care and Training of Feeble-Minded Children during the years 1896, 1897, and 1898, in the sum of \$242. Sims	585	1174	1204
573	An Act to provide for the organization of mutual corporations to transact the business of life, health, and accident insurance on the stipulated premium plan, and the conduct of the business of such corporation, and to repeal an Act entitled "An Act relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance," approved March 19, 1891. Wolfe	585		
574	An Act to provide for the purchase of livestock, vehicles, and farm equipments for the Whittier State School, located at Whittier, in the County of Los Angeles, State of California, and to make an appropriation for the same. Smith of Los Angeles	585		
575	An Act to amend Section 195 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Belshaw	586		
576	An Act authorizing the making of official city maps for the purposes of assessment or transferring of property by descriptions as delineated on such maps, and authorizing for the purposes of such maps the resurvey and renumbering of blocks, lots, or parcels of land, and the fixing of the names of streets, avenues, lanes, courts, commons, or parks. Burnett	586		
577	An Act to add a new section to the Civil Code, relating to conditional sales, leases, and transfers of personal property, and to be numbered 1742. Burnett	586		
578	An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893. Burnett	586		
579	An Act to amend Sections 612 and 616 of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872, relating to cemeteries. Lukens	586		
580	An Act to regulate the killing of game birds and animals, and to provide therefrom revenue for their restoration and preservation. Laird	586	1077	1132
581	An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof. Ashe	586	1135	1212
582	An Act making an appropriation for the propagation of steel-head trout in Humboldt County. Selvage	586	619	746
583	An Act to amend Section 1116 of the Political Code, relative to the duties of the clerk concerning elections. Devlin	598	1118	1193

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asmby.
584	An Act to amend Section 475 of the Political Code of the State of California, relating to clerks and phonographic reporter in the office of the Attorney-General, and fixing the salary thereof. Leavitt.....	612	852	979
585	An Act to amend Sections 1183, 1184, and 1185 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property, and improvements thereon. Tyrrell of San Francisco.....	612		
586	An Act to amend Sections 3462 and 3463 of the Political Code. Devlin.....	612		
587	An Act to amend Section 207 of the Penal Code, relating to kidnapping. Oneal.....	612		
588	An Act to amend Section 211 of the Penal Code of California, relating to robbery. Oneal.....	612		
589	An Act to amend Section 777 of the Penal Code, relating to jurisdiction of public offenses. Oneal.....	612		
590	An Act to amend Section 943 of the Penal Code, relating to indictments. Oneal.....	613		
591	An Act to amend Section 503 of the Penal Code, relating to embezzlement. Oneal.....	613		
592	An Act to amend an Act entitled "An Act to provide for the issue and sale or exchange of funding bonds of irrigation districts organized under and in pursuance of an Act of the Legislature of the State of California, entitled 'An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,' approved March 7, 1887, to provide for the payment of such bonds, and for proceedings to test the validity of the same," approved April 1, 1897, by repealing Sections 2, 3, 5, 6, 7, 8, 9, and 10, and by amending Sections 4, 16, 17, and 18 thereof. Curtin.....	617	750	891
593	An Act to amend the Political Code of the State of California, relating to elections, by adding thereto a new section. Smith of Los Angeles.....	618		
594	An Act to assist the City and County of San Francisco in driving a tunnel through Telegraph Hill, in said city and county, from a point on Montgomery Street, near Jackson Street, in a straight line to a point on said Montgomery Street, near Lombard Street, and in lining such tunnel, and making an appropriation therefor. Ashe.....	618		
595	An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor. Shortridge.....	622	1002	
596	An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor. Shortridge.....	622		
597	An Act to provide for sinking an artesian well on the grounds of the Agnews State Hospital, and making an appropriation therefor. Shortridge.....	622	1225	1203
598	An Act to provide for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor. Shortridge.....	622		
599	An Act providing for the furnishing by the Clerk of the Supreme Court of the offices of the Clerk of the Supreme Court, and making an appropriation therefor. Smith of Los Angeles.....	622		
600	An Act to regulate the practice of pharmacy and sale of poisons in the State of California. Tyrrell of San Francisco.....	622		
601	An Act to amend an Act to establish a Political Code, approved March 12, 1872, by repealing Sections 1357 to Section 1380 thereof, both inclusive, and by adding certain new sections to said code in lieu of said sections so repealed, to be numbered, consecutively, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375, and by amending Sections 1186, 1187, and 1188 of said Political Code, concerning primary elections, political conventions, nominations, and political committees. Committee on Elections.....	623		
602	An Act to add a new section to the Political Code to be numbered 761½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer. Belshaw.....	629	1082	

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asmblly
603	An Act amending Section 1521 of the Political Code by adding new subdivisions thereto, relating to the State Board of Education; providing for the appointment of a Text-Book Commissioner, and the formation of a Board of Text-Book Commissioners; prescribing their duties, and fixing their compensation; providing for the publication of a uniform series of text-books; providing for the use of same in the common schools of the State; making an appropriation and authorizing the use of money derived from sale of text-books for carrying out the purpose of this Act; repealing Sections 1519, 1663, 1665, 1666, 1874 of the Political Code. Leavitt.....	630	1069	1072
604	An Act to repeal subdivision nine of Section 1521 of the Political Code, relating to an educational journal. Leavitt.....	630		
605	An Act to provide one additional Judge of the Superior Court of the County of Alameda. Lukens.....	630		
606	An Act making an appropriation to pay expenses incurred at the State Forestry Station at Chico, California. Maggard.....	630	886	1154
607	An Act to amend the Penal Code of California, by adding a new section, to be numbered 345, relating to the manufacture, sale, or giving away, of baneful or injurious food adulterants. Maggard.....	630		
608	An Act to amend Sections 336, 337, and 339 of the Code of Civil Procedure, of the State of California, relating to fixing the period of limitation of time of commencement of certain actions. Smith of Los Angeles.....	643		
609	An Act to define express companies and to prescribe the mode of taxing the same, and to fix the rate of taxation thereon. Burnett.....	643		
610	An Act to repeal an Act entitled "An Act authorizing the allowance, settlement, and payment of claims of counties against the State," approved March 9, 1893. Caldwell.....	716		
611	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1887. Lukens.....	716		
612	An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor. Selva.....	716		
613	An Act to establish the boundary line between the County of Humboldt and the counties of Del Norte and Siskiyou. Selva.....	726		
614	An Act to amend an Act entitled "An Act to form agricultural districts, to provide for the formation of Agricultural Associations therein, and for the management and control of the same by the State, and to repeal so much of an Act entitled 'An Act to form agricultural districts, to provide for the formation of Agricultural Associations therein, and for the management and control of the same by the State,' approved April 15, 1880, and of all acts amendatory thereof as are in conflict herewith," approved March 20, 1891, as amended by the Acts approved March 23, 1893, and February 18, 1895, relating to Agricultural Associations. Oneal.....	726	881	1019
615	An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the distribution of its proceeds," approved March 23, 1893, and amended by an Act approved March 9, 1895, and further amended by an Act approved March 9, 1897. Nelson.....	738	1095	
616	An Act to amend Section 192 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Byrnes.....	738		
617	An Act to add a new section, to be known as Section 15½, and to amend Sections 14, 21, 22, 26, 28, and 57 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897. Currier.....	738		
618	An Act to amend Sections 1593, 1615, and 1713, and to repeal Section 1714 of the Political Code of the State of California, relating to the public schools. Davis.....	742		

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
619	An Act to provide for restoration to capacity of persons adjudged to be insane who have no guardians and who are not confined at State hospitals for the insane. Davis.....	742	1134	1160
620	An Act making an appropriation to pay the claim of the County of Marin against the State of California. Belshaw....	742	852	796
621	An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors. Taylor.....	742		
622	An Act to amend the Penal Code by adding one new section to Title VII thereof, relative to crimes against public justice. Said section to be numbered 181. Taylor.....	742		
623	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated 214½, creating the office of Humane Officer in counties of the third class, providing for his appointment, and fixing the term of office, duties, and compensation of such officer. Lukens.....	742		
624	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as Section 1523 relating to the compilation of text-books for use in the public schools of the State, and making an appropriation therefor. Lukens.....	742		
625	An Act amending Section 2237 of the Political Code, relating to the name and purpose of the Deaf, Dumb, and Blind Asylum. Lukens.....	742	1172	
626	An Act to encourage the manufacture and sale of California-made articles by adding a new section to the Political Code which will prohibit the collection of a license tax from solicitors, for the sale of articles manufactured or produced within this State. Lukens.....	742		
627	An Act to authorize and empower the Board of Directors of San Quentin State Prison to purchase California-grown hemp to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold. Cutter.....	743	949	946
628	An Act providing for the creation and management of the California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases, and to manage said California Redwood Park. Shortridge.....	743		
629	An Act to provide for the deportation of insane persons who have been, or may hereafter be, committed to State hospitals for the insane, and who have not acquired a residence in this State, and to make an appropriation to pay for the transportation of such insane persons to the State or country to which they belong. Oneal.....	743		
630	An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursements of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891. Wolfe.....	743		
631	An Act to amend Section 853 of the Political Code of this State, relating to absence of officers. Devlin.....	743	871	1156
632	An Act to add a new section to the Political Code to be known as Section 1292a, relating to proposed amendments to the Constitution of this State, and the canvass of votes for and against the same. Devlin.....	743		
633	An Act to amend Section 473 of the Civil Code of the State of California, relating to consolidation of railroad corporations. Smith of Los Angeles.....	743		
634	An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-fourth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer. Leavitt.....	752	997	948

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly.
635	An Act to amend Section 2 of an Act entitled "An Act to repeal Chapter II of Title VI, Part III of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said Chapter II, and to enact a new Chapter II of Title VI of Part III of said Code and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways," approved February 28, 1883, relating to the issuance and refunding of a bonded indebtedness of the county for the construction, maintenance, and repair of roads, and the levying of taxes to pay the interest and redemption thereof. Devlin.....	752	1220	
636	An Act to add a new section to the Civil Code, numbered 638a, relating to withdrawals from mutual building and loan associations. Wolfe.....	752		
637	An Act to amend Section 1240 of the Code of Civil Procedure of the State of California, relating to the taking of property under the right of eminent domain, and authorizing proceedings therefor. Selvage.....	752	888	919
638	An Act making an appropriation to pay the deficiency in the appropriation for the support and maintenance of the Veterans' Home of California for the remainder of the fifty-second fiscal year. Corlett.....	752		
639	An Act to appropriate the sum of \$2,000 to pay the claim of John C. Pelton for money due and owing the said John C. Pelton from the State of California. Corlett.....	752		
640	An Act to add a new section to the Civil Code of the State of California, to be known as Section 2757, relating to fire insurance companies. Tyrrell of Nevada.....	752	930	1018
641	An Act to amend Section 1665 and to repeal Section 1666 of the Political Code of the State of California, relating to the course of study for the public schools of this State. Simpson.....	753		
642	An Act to amend Section 3653 of the Political Code of the State of California. Lukens.....	753		
643	An Act to amend an Act entitled "An Act to establish a Political Code, approved March 12, 1872, by adding a new section to be known as Section 1523, relating to the compilation of text-books for use in the public schools of the State, and making an appropriation therefor. Lukens.....	753		
644	An Act to amend Sections 2641, 2642, 2643, and 2645, of the Political Code of the State of California, and to add new sections thereto, to be known as and numbered Sections 2646, 2646a, 2646b, 2646c, 2646d, 2646e, 2646f, relating to abolishing the office of Road Commissioner, and creating the office of Roadmaster. Belshaw.....	762		
645	An Act to appropriate the sum of \$25,000 for the erection of a monument in Golden Gate Park, San Francisco, California, as a memorial of Colonel E. D. Baker, and providing for the appointment of commissioners to carry into effect the provisions of this Act, and prescribing the duties of the Controller and Treasurer in relation thereto. Lukens.....	762		
646	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the office of Clerk of the Supreme Court. Leavitt.....	762		
647	An Act appropriating \$1,200, the amount heretofore appropriated to Agricultural District No. 43, comprising the County of Lassen, by an Act entitled "An Act making appropriations for the support of the government of the State of California for the fifty-first and fifty-second fiscal year," approved March 17, 1899. Laird.....	762	1253	
648	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the salary of the County Health Officer. Smith of Los Angeles.....	763		
649	An Act to amend Section 530 of "An Act to establish a Political Code," relating to the office of Superintendent of State Printing, and providing for the appointment of such officer by the Governor. Leavitt.....	803	818	
650	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto. Committee on County Government.....	833	1112	1160

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
651	An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of real property situate in San Bernardino County, in the State of California, and belonging to said State, to San Pedro, Los Angeles & Salt Lake Railroad Company for the purpose of a right of way and depot grounds for a steam railroad. Caldwell	912	944	887
652	An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fourth session of the Legislature. Smith of Kern	922	944	896
653	An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Sections 1186, 1187, and 1188, of said Political Code, relating to political conventions, nominations, and political committees. Committee on Elections	933		
654	An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, to sell and convey a strip or parcel of real property situate in San Bernardino County, in the State of California, and belonging to said State, to San Pedro, Los Angeles & Salt Lake Railroad Company, for the purposes of a right of way and depot grounds for a steam railroad. Caldwell	1037	1038	972
655	An Act to provide for the establishment and maintenance of public libraries within municipalities. Taylor	1041		
656	An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property. Nutt	1086	1092	1101
657	An Act to amend Section 1 of an Act entitled "An Act to authorize, empower, and direct the California Home for the Care and Training of Feeble-Minded Children to admit idiots, epileptics, and mentally-enfeebled paralytics into said institution; to provide for the support of all the inmates therein, and to repeal all Acts or parts of Acts in conflict with the provisions of this Act," approved March 31, 1897. Luchsinger	1086	1092	1161
658	An Act to authorize and empower the Trustees of the State Normal School at San José to convey to the City of San José a parcel of land situate in said city, and belonging to the State of California, to the said city of San José, for the purpose of erecting and maintaining a free public library upon said parcel of land. Oneal	1093	1107	1061
659	An Act making additional appropriations to provide for certain improvement and repairs at the State Normal School at Los Angeles. Smith of Los Angeles	1104	1117	1172
660	An Act authorizing Boards of Supervisors, or other governing bodies of municipalities, to declare holidays. Cutter	1165	1182	1171
661	An Act to amend Section 3713 of the Political Code, relating to the levy of taxes. Finance Committee	1176		
662	An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein. Nutt	1220	1234	1198
663	An Act to amend the Political Code by amending Section 343 thereof and adding a new section thereto, to be numbered Section 644. Laird	1222	1235	1204
664	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3897, relating to public lands and revenue and taxation, and to the Regents of the University of California. Lukens	1230	1244	1213

SENATE RESOLUTIONS.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly.
SENATE JOINT RESOLUTIONS.				
1	Relative to quarantine against the orange fruit maggot. Caldwell	17	17	51
2	Relative to requesting the President of the United States to direct that Dr. J. J. Kinyoun, United States Quarantine Officer for San Francisco, be relieved from further service on the Pacific Coast. Cutter	17	234	
3	Relative to Chinese, and Japanese, and other alien pauper labor immigration into the United States. Belshaw	21	341	387
4	Relative to petitioning Congress for the protection of American labor, etc., against Chinese and Japanese competition. Lukens	21	341	387
5	Relative to Chinese, and Japanese, and other alien pauper labor immigration into the United States. Wolfe	21	341	387
6	Relative to forest reservation. Davis	49	200	116
7	Relative to making upon the island of Molokai a leper hospital for the care of all lepers within the United States. Welch	64	371	468
8	Relative to the growing of citrus fruits. Smith of Los Angeles	114		
9	Relative to improvement of Oakland Harbor. Taylor	139	874	795
10	Relative to the establishment of a boarding-school for Pitt River Indians, in Modoc County, California. Laird	213	247	419
11	Relative to the appointment of United States Senators by each State. Davis	213		
12	Relative to attempted location of mineral oil lands as agricultural lands. Rowell	226	571	510
13	Relative to the restraint of interstate traffic in convict-made goods. Belshaw	301	379	361
14	Relative to inviting the Committee on Rivers and Harbors of the House of Representatives to visit the State of California. Devlin	351	351	717
15	Relative to Calaveras Sequoia Grove. Committee on Executive Communications	623	625	591
16	Relating to recommending the enactment of legislation by Congress for the construction of a highway in the Yosemite National Park. Davis	726		
SENATE CONCURRENT RESOLUTIONS.				
1	Relative to extending to the President of the United States and other distinguished citizens an invitation to visit this State for the purpose of witnessing the launching of the battleship Ohio. Selvage	15	15	100
2	Relative to State Relief Committee in the Galveston affair. Lukens	43		
3	Relative to the charter of the City of Fresno. Rowell	64	172	138
4	Relative to the proposed charter of the City of Pasadena. Simpson	114	144	184
5	Relative to a committee to be appointed for the reception of the President and other officers of the United States Government and the State of Ohio, and the appropriation of money therefor. Selvage	129	317	329
6	Approving eleven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego at a special election held therein for that purpose on the 12th day of January, 1901. Nutt	208		
7	Relative to the consent of the Legislature to absence from the State of State Senator John F. Davis, of the Fourteenth Senatorial District, for a period not to exceed six months. Davis	225	247	248
8	Approving eleven certain amendments to the charter of the City of San Diego, in the County of San Diego, State of California, voted for and ratified by the qualified electors of the said City of San Diego, at a special election held therein for that purpose on the 12th day of January, 1901. Nutt	240	240	219

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
9	Relative to revenue and taxation. Smith of Kern.....	262		
10	Relative to a welcome to the State of California for the International Convention of Epworth Leagues upon the occasion of its fifth biennial session, to be held in San Francisco, July 18 to 21, 1901. Lukens.....	369	1274	1221
11	An Act directing the State Printer to print 30,000 copies of Concurrent Resolution No. 10, relative to welcoming the Epworth League International Convention, to be held in San Francisco, July 18 to 21, 1901. Lukens.....	378	1274	1222
12	Relative to providing a special file for Senate and Assembly bills. Smith of Kern.....	394	401	408
13	Relative to the consent of the Legislature to absence from the State of State Senator C. M. Belshaw, of the Eleventh Senatorial District, for a period not to exceed six months. Belshaw.....	458	825	740
14	Relative to approving amendments to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 5th day of February, 1901. Oneal.....	586	913	991
15	Relative to the consent of the Legislature to absence from the State of State Senator Oneal of the Thirty-first Senatorial District, for a period not to exceed twenty months. Shortridge.....	727	825	741
16	Relative to appointment of joint committee to attend the funeral of the late Stephen M. White. Ashe.....	730	730	640
17	Relative to adjournment of the Legislature <i>sine die</i> at 12 o'clock m., Saturday, March 9, 1901. Goad.....	848		
18	Relative to setting aside a day for consideration of Assembly bills in the Senate and Senate bills in the Assembly. Leavitt.....	954	954	922
19	Relative to appropriating \$2,500 out of the Contingent Funds of Senate and Assembly for the erection of a monument in memory of the late Stephen M. White. Smith of Los Angeles.....	997		
20	Relative to consent of the Legislature to the absence of the Governor of the State, Hon. Henry T. Gage, from the State for periods not exceeding in the aggregate six months. Goad.....	1001	1001	972
21	Relative to the consent of the Legislature to the absence from the State of Lieutenant-Governor J. H. Neff, for a period not exceeding six months. Leavitt.....	1009	1010	973
22	Relative to the compilation, printing, and distribution of the laws governing private corporations, revenue, and elections. Selva.....	1108		
23	Relative to the completion of the "Index to the Laws," from 1893 up to and including laws of the present session of the Legislature; also, relative to the compilation of all laws repealed or invalidated, indicating those laws now in force, and directing a report be made to the next session of the Legislature. Selva.....	1108	1201	1189
24	Relative to Code Commission furnishing a complete set of amended Codes. Laird.....	1270	1270	1221

CONSTITUTIONAL AMENDMENTS.

Number	TITLE.	Intro-duced	Passed Senate	Passed Assembly
1	Proposing that Section 1½ of Article XIII of the Constitution, relating to the exemption from taxation of all buildings used solely and exclusively for religious worship, be amended by adding the proviso that the phrase "solely and exclusively for religious worship" shall not be construed to prevent such exemption because of meetings of religious societies, sacred concerts, and entertainments given solely for the benefit of the church, being held therein. Cutter.....	64		
2	To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 7 of Article IX thereof, relating to the creation of the State Board of Education and defining the duties thereof. Simpson.....	64		
3	To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XIII, by adding a new section thereto, to be known as Section 13½, relating to the exemption from taxation of all bonds issued by the State of California, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation, and irrigation districts) within said State. Taylor.....	64	769	925
4	To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 6 of Article IX, relating to the public school system and the support of public schools. Lardner.....	65	770	809
5	Providing for a State Normal School Board—Senate Constitutional Amendment to submit to the people of California an amendment to the Constitution of the State amending Article IX by adding a new section thereto, to be known as Section No. —, relating to the control of State Normal Schools, and to appropriate therefor. Sims.....	79		
6	An Act to propose to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters. Luchsinger.....	80	770	926
7	A resolution to propose an amendment to Section 8 of Article II of the Constitution of the State of California, relating to the framing of a charter for cities of more than 3,500 inhabitants. Devlin.....	139		
8	A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor. Devlin.....	214		
9	To propose to the people of the State of California an amendment to the Constitution of the State, amending Article IV, Section 33 thereof, relating to the regulation of charges of telephone corporations. Wolfe.....	252		
10	An Act to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary and establishing Courts of Appeal. Davis.....	264		
11	A resolution proposing to the people of the State of California an amendment to Section 3 of Article XV of the Constitution of the State of California, relating to harbor fronts and tide-waters. Davis.....	278		
12	To propose to the people of the State of California an amendment to the Constitution of the State amending Section 2 of Article VI of the Constitution of the State of California, relating to the Supreme Court. Caldwell.....	350		
13	To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 6 of Article I thereof, relating to offenses. Caldwell.....	393	773	1214

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
14	Proposing to the people of the State of California an amendment to Article II of the Constitution of the State by adding a new section thereto, to be known as Section 6, relating to elections. Smith of Kern.....	443	772	982
15	A proposed amendment to Article VI of the Constitution, relative to the judiciary, and establishing Courts of Appeal. Caldwell.....	551		
16	A proposed amendment to Article V of the Constitution, relative to declaring elections of Governors. Devlin.....	551		
17	A proposed amendment to Article IV of the Constitution, relative to the time of assembling of the Legislature. Devlin.....	551		
18	A resolution to propose to the people of the State of California an amendment to the Constitution by adding to Article IV thereof a new section, to be known as Section 25½, relating to the division of the State into fish and game districts. Belshaw.....	630	900	853
19	To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article VI of the Constitution of the State of California, relating to the Supreme Court. Oneal.....	743		
20	Proposing an amendment to the Constitution by adding a new section to Article IV thereof, relating to establishing State highways, and providing for the construction and maintenance thereof. Committee on Finance.....	825	900	1052

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